Mr. T. S. Ramachandra Ayyar *(Chittur-Tattamangalam):* Do Government admit that accommodation in the Police lines in Chittur is quite inadequate to meet the requirements of the place ?

Rao Bahadur M. Narayana Menon *(Commissioner of Police):* Yes.

Mr. T. S. Ramachandra Ayyar *(Chittur-Tattamangalam):* Will the Government kindly consider to provide additional rooms in the police lines at Chittur ?

Rao Bahadur M. Narayana Menon *(Commissioner of Police):* The site has been acquired already, and steps will be taken to provide additional accommodation.

Mr. T. S. Ramachandra Ayyar *(Chittur-Tattamangalam):* Is it a fact that a plot of ground acquired in Tattamangalam for the specific purpose of building police lines there is lying idle even now?

Rao Bahadur M. Narayana Menon *(Commissioner of Polic):* There is enough space for constructing police lines there.

Mr. T. S. Ramachandra Ayyar *(Chittur-Tattamangalam):* So, shall I take it that Government will consider the question of constructing police lines in Tattamangalam also ?

Rao Bahadur M. Narayana Menon *(Commissioner of Police):* Yes.

Mr. C. V. Iyyu *(Kunnamkulam):* Will Government consider the question of constructing police lines in Kunnamkulam ?

Rao Bahadur M. Narayana Menon *(Commissioner of Police):* Yes, everywhere.

Mr. T. S. Ramachandra Ayyar *(Chittur-Tattamangalam):* Will Government kindly include this item in the next year's budget ?

Rao Bahadur M. Narayana Menon *(Commissioner of Police):* I do not think it is possible. We have to wait for better times.

LEGISLATIVE BUSINESS

THE COCHIN KURIES BILL

Mr. President : The House will now resume discussion on the Advocate-General's motion that the Kuries Bill as modified by the Select Committee be taken into consideration.

I find that Mr. Moothedan has already spoken. At that time he should have been asked to move his amendments to the motion, because, if the member is allowed the privilege of another speech,

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for the purpose of moving his amendments, it will be simply wasting the time of this House. It was but proper for him to have moved those amendments, especially when there was a comprehensive discussion on the lines indicated by the Advocate-General's speech. I think Mr. Moothedan may now move his amendments, so that there may be a comprehensive discussion on the various aspects of the Bill.

Mr. A. V. Moothedan *(Chalakkudi):* I do not move my amendments.

Mr. President : What I say is, in the case of such amendments the proper procedure is, as soon as the Advocate-General makes his motion, the member making the amendments may also be allowed to move the amendments so as to facilitate a comprehensive discussion. Otherwise, the House will be losing much valuable time. Now that Mr. Moothedan is not moving his amendments, that question does not arise.

മിസ്സിസ്സ് തങ്കമ്മ എൻ. മേനോൻ: സർ, ഗവമ്മെണ്ടിൽനിന്നു് അവതരിപ്പിച്ചിട്ടുള്ള കൊച്ചിൻ കറീസ്സു് ബില്ലിനെ ഞാൻ ശക്തിയായി പിൻതാങ്ങിക്കൊള്ളുന്നു. കറിയിൽ വരിക്കാരായി ചേരുന്നവരെ രക്ഷിക്കുവാൻവേണ്ടി ഇതുപോലെയുള്ള ഒരു ബിൽ അവതരിപ്പിക്കുവാനുള്ള മനഃസ്ഥിതി ഗവമ്മെണ്ടിനു് ഇപ്പോഴെങ്കിലും ഉണ്ടായതിൽ ഞാൻ ബഹുമാനപ്പെട്ട അഡ്വക്കെറ്റു് ജനറൽ അവർകളെ അഭിനന്ദിക്കുകയാണു ചെയ്യുന്നതു്. ഇന്നലെ ഇവിടെ ബഹുമാനപ്പെട്ട തുശ്ശിവപേരൂർ മെമ്പർ അവർകളും, ഈ രാജ്യത്തു കറികളും എന്നുള്ളതു വളരെ പുരാതനമായിട്ടു തുടങ്ങിവന്നിട്ടുള്ളതാണെന്നും, അതുകൊണ്ടു ഗവമ്മെണ്ടിൽനിന്നു് ഇത്ര കർശ്ശനമായ ഒരു നിയമം കൊണ്ടുവരേണ്ട ആവശ്യമില്ലെന്നും മറ്റും അതിശക്തിയായി വാദിക്കുകയുണ്ടായി. എന്നാൽ എനിക്കു് അദ്ദേഹത്തിന്റെ ആ വാദത്തോടു് യോജിക്കുവാൻ തരമില്ലാതെ വന്നതിൽ ഞാൻ വ്യസനിക്കുകയാണു ചെയ്യുന്നതു്. ഒരുപക്ഷെ തുശ്ശിവപേരൂരിൽ നടത്തുന്ന കറികളും അദ്ദേഹം പറഞ്ഞതുപോലെ ശരിയായി നടത്തുന്നുണ്ടായിരിക്കാം. അതിനെപ്പറ്റി എനിക്കു വാദവുമില്ല. തുശ്ശിവപേരൂരിൽ കറികളും ശരിയായി നടക്കുന്നുണ്ടെന്നു വിചാരിച്ചു് രാജ്യത്തിന്റെ നാനാഭാഗങ്ങളിലും ഉള്ള കറികളും അതുപോലെ യാതൊരു തകരാറും കൂടാതെയാണു നടത്തുന്നതെന്നു പറയുവാൻ ആർക്കും അത്ര ധൈര്യമുണ്ടെന്നു് എനിക്കു തോന്നുന്നില്ല. തകരാറോടുകൂടി പല കറികളും ഈ രാജ്യത്തു നടത്തുന്നുണ്ടെന്നുള്ള വസ്തുത ഞാൻ ബഹുമാനപ്പെട്ട മെമ്പർമാരുടേയും ഈ സഭയുടേയും ശ്രദ്ധയിൽ കൊണ്ടുവരുന്നു.

ഞാറയ്ക്കൽ സുറിയാനിപ്പള്ളി ൨൩,൦൦൦ ഉറുപ്പികയുടെ ഒരു കറി നടത്തുന്നുണ്ടു്. അതിൽ ഞാനും എന്റെ നിർഭാഗ്യവശാൽ ഒരു നറുക്കു പോന്നിട്ടുണ്ടു്. ആ കറി ഇപ്പോൾ വളരെ അവതാളത്തിലാണു നടക്കുന്നതു് എന്നാണു് എനിക്കു അറിവായിരിക്കുന്നതു്. അതു് ഏറെക്കുറെ വാസ്തവമാണെന്നുള്ളതും പറയാതെ നിവൃത്തിയില്ല. ആദ്യം കൊല്ലത്തിൽ രണ്ടുതവണയാണു നറുക്കെടുത്തിരുന്നതു്. എന്നാൽ ഇപ്പോൾ കുറച്ചുകാലമായിട്ടു് കറി പിടിച്ചവരുടെ സൌകര്യത്തിനുവേണ്ടിയും അവർക്കു കറിക്കുപണം വെക്കുവാനുള്ള സൌകര്യക്കുറവുകൊണ്ടുമാണത്രെ ആ കറി കൊല്ലത്തിൽ

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ഒരു തവണയാക്കി അതിന്റെ കാലം ദീഘ്പ്പിച്ചു. അതിനു വരിക്കാരിൽ ആരും യാതൊരു തടസ്ഥവും പറഞ്ഞില്ല. എന്നാൽ അങ്ങിനെ കൊല്ലത്തിൽ ഒരുതവണ നറുക്കെടുത്തിരുന്നതു് ഇപ്പോൾ ഒരിക്കൽപോലും ഇല്ലാതായിട്ടുണ്ടെന്നുവേണം പറയുവാൻ. എന്തുകൊണ്ടെന്നാൽ ഈ കഴിഞ്ഞ ധനു ൨൪-ാംനു-യായിരുന്ന കുറി നടത്തേണ്ട ദിവസം. എന്നാൽ അന്നു കുറി നടത്തീട്ടുണ്ടോ ഇല്ലയോ എന്നുള്ള തിനെപ്പറ്റി ഇന്നു മീനം ൧൯-ാംനു-വരെയായിട്ടും വരിക്കാരായ ഞങ്ങൾക്കു യാതൊരറിവുമില്ല. ഇതിനുള്ള കാരണം ഞാൻ അന്വേഷിച്ചപ്പോൾ കുറി കിട്ടിയ ചിലരുടെ കയ്യിൽനിന്നു ഈടു ശരിക്കു മേടിക്കാത്തതുകൊണ്ടു് കുറി ശരിക്കു നടത്തിക്കൊണ്ടുപോകുവാൻ സാധിക്കില്ലെന്നുംമറ്റുമാണു് അറിവായതു്. എന്നാൽ വരിക്കാരുടെ കയ്യിൽനിന്നും പണം വാങ്ങുന്ന കാര്യത്തിൽ കുറിക്കാർ വളരെ കർക്കശമായ നിയമമാണു സ്വീകരിച്ചുകാണുന്നതു്. സാധാരണയായിട്ടു് ഒരുദിവസംപോലും വൈകാതെയാണു് ഞാൻ കുറിക്കുസംഖ്യ അടച്ചിരുന്നതു്. ഒരുതവണത്തെ കുറിക്കു സംഗതിവശാൽ പണം അവിടെ എത്തിക്കുവാൻ സാധിച്ചതു് രാത്രി ൧൨ മണി കഴിഞ്ഞു ൫ മിനിട്ടായപ്പോഴാണു്. ഈ ൫ മിനിട്ടു വൈകിയ കാരണംകൊണ്ടു് പിറേറദിവസമായി കണക്കാക്കി ൨ ൫ ക. കൂടി പിഴ അടക്കണമെന്നു നിബ്ബന്ധിക്കുകയുണ്ടായി. ഇങ്ങനെ വരിക്കാരിൽനിന്നു പണം വസൂൽചെയ്യുന്നതിനു് അവർ ഇത്ര കർക്കശമായ നിയമം നടത്തുകയും, കുറി കിട്ടിയവർക്കു് ശരിയായി പണം കൊടുക്കുവാൻ സാധിക്കാതെ വരുകയും ചെയ്യുന്നതു് ഏറ്റവും ശോചനീയമായ ഒരു അവസ്ഥയാണു്. അതുകൊണ്ടു് വരിക്കാരെ രക്ഷിക്കുവാനായിട്ടു് ഗവണ്മെണ്ടിൽനിന്നും തീച്ചയായും ഇതുപോലെയുള്ള നിയമം കൊണ്ടുവരേണ്ടതു് ആവശ്യമായിട്ടുള്ളതാണു്.

ഇനി റിട്രൊസ്പെക്ടീവു് ഇഫക്ടിനെപ്പറ്റി രണ്ടു വാക്കു പറയാം. റിട്രൊസ്പെക്ടീവു് ഇഫക്ടു് വെക്കുവാൻ പാടില്ലെന്നു പറഞ്ഞു് പല മെമ്പർമാരും ഇവിടെ വാദിക്കുകയുണ്ടായി. എന്നാൽ ഞാൻ അവരോടു ചോദിക്കുന്നു, കൊച്ചിൻ കൗൺസിൽ ഈ നിയമസഭയിൽ ആലോചനയ്ക്കു വന്നപ്പോൾ അവർ ഇതിനെപ്പറ്റി എന്തുകൊണ്ടാലോചിച്ചില്ല എന്നു്. കാൺട്രാക്ടു് ആക്ടിനെക്കുടി വിലവെക്കാതെയല്ലെ അവർ ആ നിയമം ഇവിടെ പാസ്സാക്കിയിട്ടുള്ളതു്? ഒരു പക്ഷെ കർഷകർക്കുവേണ്ടിയായിരിക്കും അതു അപ്രകാരം പാസ്സാക്കിയതു്. അതേപോലെതന്നെ കർഷകർക്കുവേണ്ടിത്തന്നെയാണു് ഞാൻ ഈ ബില്ലിനെ പിൻതാങ്ങുന്നതു്. അവർ കർഷകർക്കുവേണ്ടി അന്നു് എത്രത്തോളം ശക്തിയായി വാദിച്ചുവോ അത്രത്തോളം ശക്തിയായിട്ടാണു് ഞാൻ ഇന്നു് ഈ കുറിബില്ലിനുവേണ്ടിയും വാദിക്കുന്നതു്. സാധാരണയായി ൨൦,൦൦൦, ൩൦,൦൦൦ ക. യുടെ കുറികൾ വളരെ അപൂർവ്വമാണു്. ൧൦൦, ൨൦൦, ൩൦൦ ക. ഈവക കുറികൾ ആണു് അധികം ഉള്ളതു്. ഈവക കുറികളിൽ വരിക്കാരായി ചേരുന്നവരിൽ അധികംപേരും കർഷകരാണു്. അവർ എത്രത്തോളം ബുദ്ധിമുട്ടിയിട്ടാണു് ജന്മികൾക്കു് പാട്ടം അടക്കുന്നതു്. അതിൽ ഇരട്ടി ബുദ്ധിമുട്ടീട്ടാണു് കുറിക്കു പണം അടക്കുന്നതു്. ജന്മിക്കുള്ള പാട്ടം, വീട്ടുചിലവു് മുതലായതുകൾ കഴിച്ചു് ബാക്കിയുള്ള സംഖ്യയാണു് കുറിക്കുവെക്കുന്നതു്. പാട്ടം അടക്കുന്നതു് ഒരുപക്ഷെ കുറച്ചുദിവസം വൈകിയാൽ പലിശകൊടുക്കാതെ കഴിച്ചുകൂട്ടാം. എന്നാൽ കുറിക്കു പണം വെക്കുന്നതു് ഞാൻ മുമ്പു പ്രസ്താവിച്ചപോലെ അഞ്ചുമിനിട്ടു വൈകിയാൽ പലിശയും മറ്റും ചോദിക്കുന്നു. ഈ പലിശയെ പേടിച്ചു് പട്ടിണി കിടന്നിട്ടെങ്കിലും കുറിക്കു് പണം വെക്കണം. ഇപ്രകാരം ബുദ്ധിമുട്ടി പണം അടച്ചു് മേടിക്കുന്ന ഘട്ടം വരുമ്പോൾ കുറിക്കാർ പണമില്ലെന്നു പറഞ്ഞു് കൈ മലർത്തുമ്പോൾ ആ കർഷകനുണ്ടാകുന്ന സങ്കടം എത്രയാണെന്നു് ഞാൻ പറയേണ്ടതില്ലല്ലൊ. കർഷകരുടെ പണംകൊണ്ടു കുറിവെച്ചു്

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കുബേരന്മാരാകുന്നവരുടെ ഈവക അഴിമതികളെ നിർത്തൽ ചെയ്യുവാനായി ശ്രമം ചെയ്യുന്നു എന്നതല്ല ഈ നിയമസഭയിലെ എല്ലാ ബഹുമാനപ്പെട്ട മെമ്പർമാർക്കും ബഹുമാനപ്പെട്ട ഗവൺമെണ്ടിനും ഉണ്ടെന്നാണു് എന്റെ വാദം.

ഈവക കാരണങ്ങളെക്കൊണ്ടു് ഞാൻ ഈ ബില്ലിനെ ശക്തിയായി പിൻതാങ്ങിക്കൊള്ളുന്നു.

Mr. A. B. Salem *(Mattancheri):* Sir, I am one of those who opposed the measure, when it came here last time. But there is no gain-saying in the fact that people can sometimes change their opinion, and in this particular case I have changed my opinion.

Mr. A. V. Moothedan *(Chalakkudi):* In several other cases also.

Mr A. B. Salem *(Mattancheri):* Yes. We live and grow and only persons who cannot grow and cannot improve, will stick to their opinions.

Mr. A. V. Moothedan *(Chalakkudi):* We congratulate you *(Laughter).*

Mr. A. B. Salem *(Mattancheri):* When reasons come, we must submit to reasons.

Sir, the origin of kuri has been perhaps from very ancient times in this State. Big *tarawads*, in order to help people in the neighbourhood with money, began to run kuries and these were respectful ways to help people. I may also say that the origin of these kuries was in trust. It started as a trust. Other people's money, money of those people who were placed in a lesser rank in society, was received by the persons who were placed in a higher rank in society. They took it, and took care to multiply the amounts and handed it back to them in the proper time without any difficulty, *i.e.*, they did it to help the persons all round. Yesterday, my friend from Trichur said that kuries were a business and not a trust. What happened was, when people understood about the advantages of these kuries *i.e.*, receiving a lump sum by contributing little by little, the attention of others was also drawn to these kuries and the progress of kuries became rapid in the country. Everybody began to start kuries, because they wanted to make some money. The original intention swerved and later on, people started these kuries so that they may take lump sums all at once by contributing little by little. Several vakils began to start kuries and several others began to start them so that they may also have lump sums to deal with in the course of their activities. Then came a conflict of ideas with regard to kuries which were at first brought into being as a trust, apart from a business. One man said, "I have started this kuri for my own profit and not for the sake of your money being

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looked after and made big and given back to you. I have started this for my profit." The result is every advantage of the contract was taken and utilised to defeat the subscribers of the kuri. I do not say that all have been doing like that. But that idea also penetrated into the minds of the starters who said they are doing it simply as a business and that they are going to take advantage of every provision that is possible such as the one that the Lady Member for Ernakulam has now given to you.—"5 minutes after 12 o'clock if the money is taken it is refused." The foreman sticks to correct time. He is strict, stricter than *Yaman*, who will come and take away your life at the particular moment and will not wait even for one minute. Similarly, these people will say, "because you are late by 5 minutes we cannot help it; your money is gone or bring Rs. 25 more as fine". Therefore, these abuses grew.

Then, this business of kuries was made for the sake of profit. The result was ruination of simple, trustful believing rustic kuri subscribers. These sort of people began to multiply in the land when all people started kuries. There were kuries everywhere. Everybody began to start kuries. What for? To make money. I do not know whether, if a categoric examination was made into these kuries, we would not get revelations, as to how many people have completely lost their money—not being able to put more money into it or for this mistake or that, such as forgetting to bring the *kaipada*, losing the *kaipadas* and so many other things. An investigation may reveal many things. Scheming foremen also multiplied in the land and unconcionable method and several abuses crept in with the result that the provisions of law were taken advantage of. Suits began to be filed to get all the money together. But that requires money. From where will the money be found by a defaulting subscriber? How is he going to find the full money, when he is not even able to pay the instalment? So, ruination all round began to take place. The people say that those who have started kuries have also failed in their intentions, and subscribers also, many of them, got ruined. Therefore, it is a system which has brought no good either to the foreman or to the subscriber. The reason why no good was brought to the foreman is this. He is sometimes a man in difficulties. He wants to marry his daughters. He has to educate his sons and he has no money in his hands. Then he starts a kuri, and takes the first *narak i.e.*, the *kainarak* and probably the second *narak* also; thereby he gets a lump sum of Rs. 20,000. He has spent the money for giving dowry to his daughters, for educating his sons and now you ask him to give security. From where is he to give security? All the money has been spent, and no money has been put into some mortgage. Therefore, he cannot give security. The money is already

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gone. It has not gone into any other form of property or security. It has been spent. He has got no more control over the money, nor has he got anything else to give. Therefore, he says, don't bring this security section into force. That will mean all the foremen who have utilised their money for their personal purposes will land themselves into very great difficulties. They will have to open their hands and say we have nothing to give you. If this law is passed, certainly certain classes of that sort of foreman will go to ruin, and failures and difficulties of foremen, therefore, should be no consideration to enact a measure of this sort. An outcry came in the land that some sort of control over these kuries must exist and the principle has been already acceded to. One measure was passed and then there is no reason why another measure should not be passed to carry out the same intentions. And what is the difficulty that has been spoken about? That this nice and ancient system should not be discouraged! What does it matter, if it altogether disappears from the land? Let us have the most stringent measure possible. In the old days when the kuri idea was going on in the land there were no insurance companies, there were no savings banks, there were no land mortgage banks, debenture bonds, there were no electricity concerns and other utility services, to put their money; there were also no gilt-edged securities. There are now all these different kinds of investments possible. Then there are war bonds, cash certificates and other things which will multiply your money. Therefore, we have at present got diverse openings for investments.

Mr. C. R. Iyyunni *(Trichur-South):* You are referring to cash certificates. Is there security for that?

Mr. A. B. Salem *(Mattancheri):* Yes. They are absolute Government securities. As long as the British Government last, we will get the money we have invested on cash certificates. If the British Government unfortunately will not last, then there may be some difficulty.

Mr. C. R. Iyyunni *(Trichur-South):* I refer to the cash certificates issued by the banks.

Mr. C. V. Iyyu *(Kunnamkulam):* T. N. and Q. Bank issued cash certificates.

Mr. C. R. Iyyunni *(Trichur-South):* Yes. In spite of the Indian Companies Act the T. N. and Q. Bank was gone.

Mr. A. B. Salem *(Mattancheri):* That was on account of bad intentions and mismanagement.

Mr. C. R. Iyyunni *(Trichur-South):* The point is, in spite of the Indian Companies Act it was not possible to prevent the Bank from going into ruins like that.

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Mr. President: In spite of the Penal Code murders have been committed *(Laughter)*.

Mr. A. B. Salem *(Mattancheri):* Now, therefore, we have many schemes and openings for investment of our money in the land. Therefore, if these stringent measures came on the statute book and thereby many of these kuries cease to function in the land, no great hardship is going to be caused to the people at large. I would say that for the benefit of the country life insurance is, in a way, one hundred thousand times better than kuries. If a man has joined a kuri and unfortunately he dies and his successor is in no way in a position to pay for the instalments on the appointed day, his kuri fails. He loses the money. The successor may get only the present worth of the money and this amount you will get only after a number of years have elapsed when the kuri comes to a close, whereas if you invest your money and get a small policy in any of the life insurance companies over which Government have passed stringent measures, you get a very good amount at the time of your death. If you get cholera and die after joining an insurance company and if you have paid only a few premia, you will get a very big amount. Therefore, it is a far nicer opening which gives you no liability after death of the Policy-holder.

Mr. C. R. Iyyunni *(Trichur-South):* Do you know that there are many instances where money has not been paid by certain insurance companies ?

Mr. A. B. Salem *(Mattancheri):* I know there are, and what are the reasons ?

Mr. C. R. Iyyunni *(Trichur-South):* I know there are many instances. I have put questions to the Government calling for information whether there are instances where money has not been paid by certain insurance companies after the death of certain persons, and it has not been possible for me to get any sort of information. It is particularly for this purpose that I put the question, but I did not get the answer.

Mr. A. B. Salem *(Mattancheri):* I challenge my friend to give concrete instances, if there are any.

Mr. C. R. Iyyunni *(Trichur-South):* I am prepared to give you concrete instances.

Mr. A. B. Salem *(Mattancheri):* Unless it be a *potta* company.....

Mr. C. R. Iyyunni *(Trichur-South):* In spite of the Indian Companies Act there are *potta* companies existing. *(Laughter)*.

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Mr. A. B. Salem *(Mattancheri):* Sometimes people are too clever to cheat insurance companies also. Persons may have diabetes hidden in the certificate that they may obtain from the doctor. But somehow the information may reach the insurance company also. They will find out the true facts after making necessary enquiries. They will find out whether the certificate that he obtained was correct. If not, that Doctor sometimes gets into trouble and a court case comes to prove whether there was not some false information given to the company in taking out the policy. Such instances I have heard, but I have not heard of any instances of any of the respectable insurance companies refusing to pay or bringing this reason or that reason for withholding payment. My experience has been very good in insurance companies. I have saved little things in insurance companies and I was able to get money and go to Palestine and spend it. There was no difficulty in getting the amount. I had to put my hand out on the due date and the money was paid to me. That is the experience of many of my friends who have taken policies of insurance. In Cochin, at least in the business part of Mattancheri, I have not come across a single instance where insurance companies have given trouble to the people unnecessarily, to give their money. Therefore, I would say that the advantages of the old kuries system is no longer existing in the country and we have got many far more advantageous systems of investment. Therefore, the fear that we may throttle all these foremen and their kuries need not weigh at all with the House. With these words, I support this measure that the Government has brought forward and I think the House also should support it.

Mr. M. K. Devassy *(Adur):* Mr. President, Sir, I rise to support the motion. I may claim to be one of the most enthusiastic supports of this Bill not only when the Bill was introduced, but even when I was a member of the Committee which was to a very large extent responsible for the principles of the Bill. And in doing so, I did not care for the volume of public opinion from interested quarters that had found expression against the view that I had taken. But, on closely examining the provisions of the Bill and the far-reaching nature of the amendments that have been tabled for discussion in this House, I think, Sir, that it is my duty to inform this House that the same reasons which impelled me to stand by the main principles of the Bill and support it at the stage of introduction in the interests of subscribers, that sense of fairness and justice should also induce me to place before this House some of the aspects of the foreman also who, I think, will be unnecessarily stifled by some of draconian provisions of this Bill. It is one

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of the inevitable corollaries of discharging the thankless task of a legislator that in standing by principles of justice and fairness, it may so happen that he may have to displease both parties. It may so happen that if he had to displease one party when dealing with some provisions of a Bill, he may have to displease the other party also in dealing with some other provisions. But, the fact remains that there is a greater duty devolving upon the legislators to face these things without fear or favour and even if it so happens that in the discharge of such duties a legislator is singled out as friendless, and in the words of Shelly like "a herd abandoned deer struck by the hunter's dart", he may have to remain helpless. Sir, there will still be that fountain of justice and conscience to which he can go and in which he can seek consolation.

I was surprised yesterday, when dealing with the retrospective nature of some of the provisions of the Bill, to hear a very important observation coming from the Hon'ble President of the House, namely that the Government can well-understand those hon'ble members who have gone to the extent of reopening closed up transactions in dealing with the Agriculturists' Relief Act and who are not prepared to go to the same extent in dealing with the retrospective provisions of this Bill. Sir, I should say that when the observation comes from the President it has a weight. I do not for a moment wish to interpret it as an insinuation. I only wish to interpret it as an inconsistency aimed against those members who have been responsible for it.

Mr. President: My intention was only to point out the precedent, a precedent to justify the retrospective character. It is neither an insinuation nor any other thing.

Mr. M. K. Devassy *(Adur):* Then, as one of those who have tried their best to give retrospective effect to the Agriculturists' Relief Act to as great an extent as possible, it is my duty to explain the point that has been raised by the Hon'ble President and supported by the Hon'ble the Lady Member. To my mind, it appears, Sir, that there is absolutely no comparison between the retrospective principles of the Agriculturists' Relief Act and the Kuries Bill. For it is one of the ordinary principles of legislation that retrospective effect should not be given to the substantive portions of the law, unless there is an emergent situation which calls up on the Government to do so. The Agriculturists' Relief Act only compelled a person to give up certain rights which he had. It never went to the extent of imposing a fresh obligation on anybody. It said, if the creditor has to get Rs. 1,000, give up Rs. 500 and receive Rs. 500 only. The law never went to the extent of imposing an additional obligation on any party in dealing with the Agriculturists' Relief Act.

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Mr. P. Govinda Menon *(Mulakunnathukavu):* What about cases where a decree-holder has certain obligations when a sale has been effected after first Thulam 1114?

Mr. M. K. Devassy *(Adur):* I will answer it after this.

This is the main distinction that I would draw between the operation of this Bill and the operation of the Agriculturists' Relief Act. This Bill gives retrospective operation to some sections with the result that it is imposing an additional obligation on the foreman which was not existing under the old law. Now, Sir, supposing that in the Agriculturists' Relief Bill this same principle of giving retrospective operation of the Kuries Bill by imposing additional obligation on the creditor was followed, what would have been the result? Even the Madras Agriculturists' Relief Act which goes to extremes makes a safeguard with regard to the refunds of excess interest received by the creditor. The reason is that the legislators of Madras were not prepared to impose an additional obligation on the creditor, to whatever extent they may be prepared to give retrospective effect to the other provisions of the Agriculturists' Relief Act. That is the main distinction between the nature of the retrospective operation of the Agriculturists Relief Act and the nature of the Kuries Bill.

My hon'ble friend for Mulakunnathukavu has been drawing my attention to one particular section of the Agriculturists' Relief Act. I am well aware of that section. My friend will, I hope, attend to my reply. My friend should understand that this particular section which requires the creditor to refund excess amount in cases of sale taking place after the year 1114 is in consonance with section 12 of this Bill, namely that retrospective effect is given only from the date when the Bill was introduced in this House. The Agriculturists' Relief Act never went beyond 1114 and insisted on any man to give a refund. I hope that I have been able to convince this House on the real difference that lies between the principle of retrospective effect sought by us in the Agriculturists' Relief Act and the principle that has been followed here. But I should also state that I was surprised at this observation from the Government side. Because, if a Government which was conservative and adamantine against granting retrospective operation to the Agriculturists' Relief Bill, of which attitude section 10 of the Agriculturists' Relief Act is a concrete instance, now goes to the extent of giving retrospective effect to many of the provisions of this Bill to such a degree which even the ardent supporters of this Bill, cannot approve of, Sir, then it shall not be a matter of surprise on the part of this House if the non-official members grow jealous of the inconsistencies of the Government and sometimes try to imitate it. *(Laughter).*

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Having explained this difference between the retrospective nature of the Agriculturists' Relief Act and the Kuries Bill, I would like to impress upon this House the real implications of some of the sections that have come before the House in the amended form. Yesterday, the Hon'ble Member for Law, in his usual intelligent manner, was able to present his case here in a highly successful manner. I was noting in the trend of his argument an anxiety on his part to vax eloquent on and to emphasise those principles which underlie clause 12. According to me, it is a folly on the part of the extreme opposition to this Bill to have tabled an amendment to clause 12 which seeks retrospective effect so far as the furnishing of security for the conduct of kuries is concerned only from the date of publication in the Government Gazette. The learned Advocate-General was able to give a very good back ground for his case by placing undue importance on clause 12 and the opposition to that section with the result that he could naturally make his path easier with regard to the other provisions—retrospective provisions—in the Bill.

Sir, I wish to speak with particular reference to clauses 14, 21 and 22. What is the principle on which retrosepctive effect has been given to this Bill? That principle is this. This Bill has been thought necessary by its sponsors and by those who have advised the Government for the sponsoring of the Bill for two important purposes. One is to secure the interest of the subscribers for ever and see that his assets are not touched, so that there is a possibility of the subscriber realising his amount when his claims are due either in the middle of the kuri or at the termination of the kuri. The other is that the affairs in the past have proved that some of the foremen have taken into their heads to abuse the rights vested in them with the result that many subscribers had to suffer. Therefore, it was thought necessary to effect a certain control over the future conduct of the existing kuries. These two principles, though allied, are distinct and based upon distinct and clear-cut notions. I would cite, for example, an instance where a kuri was started before this Bill without furnishing security by the foreman and what this Bill proposes to do. The difference lies in this that under the old law the foreman had not to furnish security; now the sponsors of the Bill think that it will be inadvisable on the part of the Government to permit the foremen to start kuries in future, without furnishing securitiy, because there is no proper guarantee that the kuries will be successfully conducted. This is an instance which I state as one of the intentions of the Bill of securing the interest of the subscriber. And therefore, the Committee and the Bill when it was sponsored here said, so far as this provision which is meant

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only to secure the interests of the subscriber is concerned, it would be certainly proper in a legislation introduced for the purpose that it should not have retrospective effect. It should take effect only from the date of publication of the Bill in 1115. This is the principle on which clause 12 has been based.

Now coming to clause 14, it says that so far as deposits are concerned, it must have retrospective operation. What is the principle? The principle is that legislation intends at controlling the future conduct of the kuri. Therefore, even if a kuri was started before the date of this Bill, since the future conduct of the kuri is coming and since it is the object of legislation to control the conduct of the kuri in future, the legislators thought that it is advisable to give retrospective effect to that and especially confining the retrospective effect to the future instalments of the kuri. This is the main distinction that I draw between some of the clauses of this Bill and the principle underlying these two types of retrospective character—one of which is meant to secure the interests of the subscriber, and the other to prevent the foremen from abusing their powers to the detriment of the subscribers. I would illustrate further from the provisions of clauses 21 and 22 that this distinction has been maintained in both these clauses. For example, take clause 21. Clause 21 says that where the ticket of a defaulter non-prized subscriber is drawn, then that amount or whatever that is due should be paid to him then and there. The original provision was that this amount should be paid only on the termination of the kuri. This is one of the salient provisions of this Bill which is highly necessary in the interests of the subscribers. I would say it would be extremely unjust if a defaulting subscriber who is entitled to get the balance after the deductions are made to wait endlessly till the kuri termination, to see with open eyes as my Hon'ble Friend Mr. Govinda Menon pointed out, the pauperism of the foremen. Therefore, I say clause 21 is a very salient provision an important provision from the point of view of the subscriber. But the framers of the Bill make a distinction with regard to the retrospective effect of clause 21. Why? The clause says that it shall apply only to the future tickets drawn and not to the past tickets drawn. Yesterday, the learned Advocate-General was arguing with regard to clause 22 that that clause requires only that the foremen should furnish security for the future amounts payable. And if that is the principle, I ask the Government Advocate, in the case of an amount that has been due to the defaulting non-prized subscriber all through these years and which has not been paid, and which remains payable, why should you make him wait till the termination of the kuri when, that amount is payable to him even

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now? You say he should wait till the termination of the kuri, that you are prepared to give retrospective effect only after the coming into force of the Bill.

Mr. M. Sivarama Menon *(Advocate-General):* Because it involves payment of hard cash.

Mr. M. K. Devassy *(Adur):* I am on the principle. This distinction was drawn because so far as those tickets drawn in the past are concerned, they are completed transactions. The drawing of the ticket has been completed before the Bill came into existence. And it would be preposterous if by a piece of legislation to disturb the completed drawings of the past. The same principle I should say should apply to clause 22. A ticket was drawn by a foreman when no law demanded of him to furnish security. That amount has been drawn by him and has been either deposited or spent wisely or unwisely. What are you now going to do with that? You are now trying to give retrospective effect to a completed transaction and asking him to furnish security for the amounts which he had drawn under the *bona fide* and legal impression that no law binds upon him to furnish security then for that amount. How can we maintain that principle of retrospective effect so far as this clause is concerned when the very transaction has been completed before the law came into existence? The argument is that instalments are due in future. That is why I referred to clause 21 and showed the close similarity between clauses 21 and 22. And, Sir, yesterday in this House.....

Mr. A. B. Salem *(Mattancheri):* You say that a foreman having taken a ticket before this law comes into existence, need not give security for the money that he has drawn.

Mr. M. K. Devassy *(Adur):* I say that.

Mr. A. B. Salem *(Mattancheri):* He need not. But the other subscribers who have drawn their tickets have to give security before they get their money.

Mr. M. K. Devassy *(Adur):* Because the law then said that the subscribers will not be given their money unless they furnish security.

Mr. P. Govinda Menon *(Mulakunnathukavu):* Did the law ever say that the foremen can do so without furnishing security?

Mr. M. K. Devassy *(Adur):* The law said that so far as the rights of a subscriber are concerned, he had a right to get the money on furnishing security.

Mr. A. B. Salem *(Mattancheri):* So, you say that the foremen need not furnish security, whereas the subscribers have to?

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Mr. M. K. Devassy *(Adur):* I am extremely sorry that the hon'ble members do not have the patience to understand me. I shall explain my position.

The law in the past was not to create an obligation on the subscriber to furnish security or on the foreman to furnish security. It gave a right to the subscriber to demand money on furnishing security. The foreman had not to account to anybody the money he received.

Mr. M. Sivarama Menon *(Advocate-General):* When the foreman occupies the position of a subscriber the same law must apply to him.

Mr. M. K. Devassy *(Adur):* I perfectly agree that more stringent laws might have been provided. But that is another matter.

Mr. President : Was the foreman allowed under the old law to give the money to the subscriber without the subscriber furnishing security?

Mr. M. K. Devassy *(Adur):* Yes.

Dr. A. R. Menon *(Minister for Rural Development):* Has there been a single case where the foreman thought that he had sufficient confidence in the subscribers and handed over the money without security?

Mr. M. K. Devassy *(Adur):* If there was such a single case, he would not deserve to remain as a foreman and conduct the kuri. He would be a fool.

Mr. President : If he took the money himself, he is a cheat.

Mr. M. Sivarama Menon *(Advocate-General):* Section 22 of the old Act reads: "Every prized subscriber shall, before drawing the prize amount, furnish security for the due payment of future subscriptions."

Mr. M. K. Devassy *(Adur):* You read before that. There is no law imposing upon the foreman an obligation to take security before the amount is disbursed.

Dr. A. R. Menon *(Minister for Rural Development):* What difference does it make?

Mr. M. K. Devassy *(Adur):* My position simply is this. Under the old law the foreman did an act which was then lawful.

Mr. President : The administration of these kuries even under the old Act by which the foremen were allowed to take the money without furnishing security was wrong. It has been proved

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now that the department has been absolutely slack in the administration of the Kuries Act. One of the vital provisions regarding the investing of the money was ignored until it was pointed out to Government only two years ago, and I would personally express the opinion, though I am not quite sure of it in this particular case, that it was the duty of the department to see that even in such cases under the old Act the foreman furnished the necessary security before he appropriated the money.

Mr. M. K. Devassy *(Adur):* It was the further duty of the department to advise the Government that the foremen were cheating. But that is no excuse. The efficiency or inefficiency of a Government department that has been responsible for the proper supervision of the kuries is no reason why an additional obligation should be imposed upon the foremen now.

Mr. P. Govinda Menon *(Mulakunnathukavu):* The duty is on the foreman and not confined to the department.

Mr. M. K. Devassy *(Adur):* I am really tired *(Laughter)*. To the best of my ability and to the best of my intelligence, I have tried to explain my position.

Mr. M. Sivarama Menon *(Advocate-General):* Your intelligence has been shown in the first report.

Mr. M. K. Devassy *(Adur):* I am prepared to reply to that. I know what it contains. The Kuri Committee has never recommended that any particular section should be given retrospective effect. What happened in the committee was, when the question was discussed there was differences of opinion among the members of the committee, and the late Mr. Kandir Menon suggested that it is better to leave it to the Government. That is why it is stated in the report that Government may give retrospective effect as far as possible.

Mr. M. Sivarama Menon *(Advocate-General):* No such idea is expressed in the report. You can take refuge under the term "as far as possible." But it is incapable of the explanation given to it by the hon'ble member. We have to draw a line somewhere as to what is reasonable and what is unreasonable.

Mr. M. K. Devassy *(Adur):* I should submit that not a word has been included in that report which is without significance. Now, Sir, what is the result? The Hon'ble Minister has been asking, what will be the practical result? That is one of the important considerations which should weigh with the Government in this matter. Assuming, Sir, that the foremen of the kuries were

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at fault and assuming that the law could have been given retrospective effect, what happens? Suppose he does not furnish security. The result is an immediate winding up of the kuri. What does it matter to the foremen? These are not kuries started within one or two years as observed in connection with clause 12. These kuries are started long ago and an immediate collapse of these kuries by the failure on the part of the foremen to furnish security will have disastrous consequences upon the whole kuri fabric. Where the money had been drawn by the foremen under a particular law, by insisting upon him to give security which may or may not be possible for him to do, we are asking him to wind up the kuri immediately. I should think that this House should consider several times before retrospective effect is given with such consequences. Yesterday, my hon'ble friend Mr. Moothedan was putting forward a very legitimate and forceful analogy. He was drawing the attention of the House to a case where yesterday I have drawn the money on a pronote and today you are asking me to execute a mortgage deed in place of the pro-note. On what principle is the legislature going to do it?

Mr. A. B. Salem *(Mattancheri):* It is very simple. People give money without security in the first instance. If they think after some time that they should have proper security for the amount, do they not ask for it?

Mr. A. V. Moothedan *(Chalakkudi):* You may file a suit.

Mr. M. K. Devassy *(Adur):* Sir, I think I have completed my task and finished all the points which I wanted to touch upon. There may be one or two clauses which require some slight alterations. But I am never in favour of making any substantial change in section 14 which requires the formen to deposit prize amounts. There are several reasons why it should be done. One of the reasons was that some of the foremen were trying to ward of the subscribers by trying to postpone the date of payment of the prize amount. That was one of the reasons which prompted the committee to recommend the inclusion of clause 14, and it is absolutely necessary that clause 14 should be retained with of course some convenient changes which may be found to be absolutely necessary without prejudice to the cause of the subscribers.

Then, I wish to speak a few words with regard to this compulsory deposit in treasuries as distinct from banks. If I remember correctly, the recommendation of our committee was that the deposit should be in approved banks, and it is an alteration effected in this Bill that the deposits should be made in treasuries. Of course, one consequence of this change is that they will get only a

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lesser rate of interest than what they will get from the banks. But we are not concerned so much with the advantages or disadvantages of the foreman. Personally speaking, I decline to be partisan of foreman. I am absolutely disinterested in this matter. I am neither a foreman nor a subscriber.

Mr. P. Govinda Menon *(Mulakunnathukavu):* Like many of us.

Mr. M. K. Devassy *(Adur):* My point is, what is the harm if the amount is deposited in approved banks? Probably there would have been real difficulty and that might have induced the framers of this Bill to restrict it to treasuries. The reason might have been that there is a possibility of nullifying the effect of the provisions between a bank and bank. The moment when one bank deposits the amount in another bank, the former may draw the money through the back-door. That was certainly a serious matter for consideration. But that reason no more subsists in the light of the amendment that is tabled for discussion here by the Advocate-General by which these banks are going to be exempted. We do not get any transaction between a bank and a bank, and this possibility of one bank taking the money by collusion from the other bank cannot arise now. The only other possible argument is raised by Mr. Ayyappan that this deposit in the treasury is something like a State guarantee. But, as a matter of fact, we see that large deposits are made in the scheduled banks under the Company Law and the same amount of security rests there as is the case here. It also helps the growth of indigenous institutions in the State. I think this is an opportunity when the Government can extend a helping hand in the interests of indigenous banking institutions, which, I think, it may not be proper on the part of the Government to refuse unless there are strong reasons why they cannot do so. I have nothing more to add.

Mr. President: We have had ten speakers already and I think the House has had every point of view represented. I personally think we have had a fairly good discussion of the whole matter and it is time now to proceed to the next stage. I call upon the Advocate-General to reply to the debate.

Mr. M. Sivarama Menon *(Advocate-General):* I have nothing more to add, Sir.

The motion that the Cochin Kuries Bill be taken into consideration was put and carried.

Mr. President: There are so many amendments tabled. Some of them are purely of a drafting nature and some others affect

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the vital principles of certain clauses. All the amendments which have been admitted by the Chair have been classified under the various clauses and printed and supplied to the hon'ble members. No more amendments will be admitted. This makes it easy for the hon'ble members to deal with the amendments, because they have got all the amendments which have to be taken up for consideration in one consolidated form. With regard to the verbal or drafting amendments, I would suggest that it is not worthwhile to waste a lot of time on such things. I think, on the whole, the draft as it stands should be left untouched unless strong reasons are shown why it should be changed. With regard to the various other amendments, I would suggest to the hon'ble members that they should really concentrate upon such of the amendments to the clauses as directly raise a question of principle and not try to move every amendment which only varies from another one of a similar nature in details. For example, in the case of the amendment relating to the exemption given to Banks, that they need not deposit the money in the treasury, the Government amendment is that these banks will be specified in a Schedule to the notification to be published in the Gazette. There are various amendments prescribing the actual criterion which should be satisfied before a bank is exempted. Only one of those amendments should be taken up for discussion and put to vote. It is not necessary to take up every amendment of that category and waste the time of the House. I think if only the House will follow these general principles, it will be able to dispose of a rather complicated measure with more complicated amendments before us. We will now take up clause 2. The first amendment stands in the name of Mr. A. V. Moothedan.

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Clause 2

Mr. A. V. Moothedan *(Chalakkudi):* Sir, my amendment is only to clarify the definition of the term "approved security".

Mr. President: Unless there is a reasonable suspicion that the wording as it stands in the Bill may not bring out the intention clearly, I would suggest that you should accept the wording of the clause as it is. The Bill has been closely examined by a Select Committee sentence by sentence.

Mr. A. V. Moothedan *(Chalakkudi):* I do not move my amendment.

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I beg to move that *in sub-clause (c) of clause 2 (1) the words "the first mortgage of" shall be deleted.* The purpose of this amendment

is purely to make the clause clearer. The definition of the term "approved security" as it stands now in the Bill may lead to some sort of mis-understanding as to what is really meant. This is only a verbal amendment.

Mr. P. V. Raphael *(Joint Secretary to Government):* Sir, I second it.

Amendment put and carried

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I beg to move—

Re-letter sub-clause (d) of clause 2 (1) as sub-clause (f) and insert the following as sub-clauses (d) and (e)—

"(d) first mortgage of un-encumbered immoveable property situate in Cochin or of unencumbered limited interest in immoveable property, or

(e) the rights secured by the foreman in Kuri Kaipadas in the Kuri in respect of which the security is offered: Provided that the amount subscribed under the Kaipada less Veethapalisa and the foreman's commission exceeds by one-third the amount advanced, or."

I have already explained yesterday that the definition has been made wider in scope. This amendment is only to give specific legislative sanction to the taking of kuri kaipadas and first mortgages also as security. The latter concession has already been extended to Companies in the matter of the investment of reserve funds. This is a non-controversial amendment.

Mr. P. V. Raphael *(Joint Secretary to Government):* Sir, I second it.

Amendment put and carried

President : The next two amendments do not arise in view of the above amendment.

Mr. P. Govinda Menon *(Mulakunnathukavu):* Since there is a Government Amendment I do not move my following amendment.—

In clause 2, add a sub-clause as follows.—

"'District Court' means the District Court having territorial jurisdiction over the place at which the Kuri is to be conducted."

My next amendment relates to the re-drafting of a clause. I am not particular about it.

Amendments not moved

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Mr. M. Sivarama Menon *(Advocate-General):* Sir, I beg to move that *in the proviso to sub-clause (11) of clause 2, the word "defaulter" may be substituted for the word "defaulting".*

This is only a drafting amendment.

Mr. P. V. Raphael *(Joint Secretary to Government):* I beg to second it.

Amendment put and carried

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I beg to move that *in sub-clause (17) of clause 2, for the words "defaulted subscriber" the words "defaulter subscriber" shall be substituted.*

This is similar to the amendment just now passed.

Mr. P. V. Raphael *(Joint Secretary to Government):* I second the amendment.

Amendment put and carried

Mr. President: That disposes of all amendments under clause 2.

Clause 2 as amended put and carried

Clause 3

Clause 3 put and carried

Clause 4

Mr. M. Sivarama Menon *(Advocate-General):* Sir, *in sub-clause (11) of clause 4 for the word "defaulted" the words "defaulter subscribers" shall be substituted.*

This is a verbal amendment and similar to those already passed.

Mr. P. V. Raphael *(Joint Secretary to Government):* I second it

Amendment put and carried

Clause 4 as amended put and carried

Clause 5

Clause 5 put and carried

Clause 6

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I beg to move that *for the second sentence of clause 6, the following may be substituted:—*

"The Registrar shall then endorse on the statements so filed a certificate that the Kuri is registered, return one statement to the foreman and file the other in his office."

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The statements are to be filed in duplicate; but what exactly is to be done with them has not been stated. It is to make that position clear that this amendment is moved.

Mr. P. V. Raphael *(Joint Secretary to Government):* I second it.

Mr. President: It is purely a clarifying amendment.

Amendment put and carried

Clause 6 as amended put and carried

Clause 7

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I beg to move that *in sub-clause (2) of clause 7 the words "registering the Kuri under sub-section (1) or" may be deleted.*

The point is only this. The registration of the Kuri is really done by the Superintendent of Registration by making an endorsement on the back of the statement. It is not the foreman who registers the Kuri.

The foreman has nothing to do with it and that cannot be made an offence.

Mr. A. V. Moothedan *(Chalakkudi):* Sir, I second the amendment. *(Laughter).*

Amendment put and carried

Clause 7 as amended put and carried

Clause 8

Mr. A. V. Moothedan *(Chalakkudi):* Sir, I move that *in clause 8, sub-clause (1) the words "free of cost."* shall be deleted. The object of my amendment is to restrict the grant of copies every time free of cost, when requisitions are made by the subscribers. A subscriber would have obtained a copy once and even if he demands the same a second or a third time, he should be given the same without obtaining any cost for the same.

Mr. President: When once a copy has been given, the obligation of the foreman is discharged.

Mr. A. V. Moothedan *(Chalakkudi):* The Bill does not restrict the subscriber getting a copy of the *vaimpu* a second or a third time when once he has obtained a copy.

Mr. President: I think the provision in the Bill is quite clear and no complication is likely to arise. Anyhow there is the rule-making power for Government, and they can incorporate this in the rules.

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Mr. A. V. Moothedan *(Chalakkudi):* I beg to withdraw my amendment.

Amendment by leave withdrawn

Clause 8 put and carried

Clauses 9 to 11

Clauses 9, 10 and 11 put and carried

Clause 12

Mr. A. V. Moothedan *(Chalakkudi):* Sir, I move the following amendment :—

In clause 12, sub-clause (1) delete the words "Superintendent of Registration" and substitute the words "Registrar of Kuri" and (2) delete the rest of the sub-clause after "approved securities."

This is for the first time that the name of the Superintendent of Registration is mentioned in the Bill. I do not see the reason why that should be introduced at this stage. We have now appointed registrars of kuries and Government may make rules with respect to their duties. So there is no necessity for the Superintendent of Registration to come here. The Superintendent of Registration will be at Trichur and the foremen would be put to very great difficulties, especially in the case of those foremen who are at Ernakulam, Trippunittura, etc. On the other hand, if it is the Registrar, there are ever so many Registrars, and the foremen will not be put to any difficulty.

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I beg to oppose the amendment. The functions of the Registrar and the Superintendent of Registration are entirely different. Of course, the Superintendent of Registration will have the advice of the Registrars. With regard to the determination of the question whether the security offered is sufficient or not, the responsibility must certainly rest upon a high officer of the Government. That is why the name of the Superintendent of Registration has been introduced. With regard to the inspection, local enquiries, etc., they will be done by the Registrars and the Superintendent of Registration will be aided by their reports.

Mr. A. V. Moothedan *(Chalakkudi):* Securities are defined.

Mr. M. Sivarama Menon *(Advocate-General):* Securities of immoveable properties can also be offered.

Mr. President : Government are not prepared to vest statutory powers on subordinate officers.

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Mr. A. V. Moothedan *(Chalakkudi):* The name of the Superintendent of Registration is only introduced in this Bill. Under the old Act, the Superintendent of Registration had to perform no functions.

Mr. A. B. Salem *(Mattancheri) :* Is it not better to have a man of status?

Mr. President: Government are not prepared to accept the amendment, and I hope the hon'ble member won't press it.

Mr. A. V. Moothedan *(Chalakkudi):* I do not press the amendment.

Amendment by leave withdrawn

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I move that *in sub-clause (1) of clause 12 the words "for and on behalf of the subscribers", may be deleted.* The meaning of the clause is clear even without these words. They are therefore redundant.

Mr. P. V. Raphael *(Joint Secretary to Government):* Sir, I second it.

Amendment put and carried.

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I move that *in sub-clause (2) of clause 12 the words "or within such further time as Government may by notification in the Cochin Government Gazette deem fit to grant in any particular case" may be deleted.* I have already explained yesterday that there does not exist any necessity to grant further extension of time for furnishing security in this case and that the time of six months granted is quite sufficient.

Mr. P. V. Raphael *(Joint Secretary to Government):* I second the amendment.

Amendment put and carried

Mr. A. V. Moothedan *(Chalakkudi):* Sir, I move that *in clause 12 the whole of sub-clause (3) may be deleted.*

The amendment is to the effect that the penal provision may be deleted.

There is no necessity for this clause on account of clause 31. Clause 31 is to this effect.—"A kuri shall be deemed to have terminated on the failure of the foreman to furnish security under sub-section (2) of section 12 or under....." The kuri will automatically be terminated and it may be wound up. In this case there is no necessity to safeguard the interest of the

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subscribers by prosecuting the foreman. Even if the foreman does not furnish security, the subscribers are not put to any loss. If security is not furnished, the kuri may be wound up in the interests of the subscribers. So their interests are safe. There is another point also. If a man who has started a kuri before the 1st day of Kumbham 1115 is unable to furnish security, that man will be liable to be prosecuted. According to me this is a most mischievous provision. So far as the interests of the subscribers are concerned, it is unnecessary. The Government may get some money by way of fines. That is all.

Mr. P. Govinda Menon *(Mulakunnathukavu):* How is the foreman going to be affected by this? He is affected only if he conducts a drawing.

Mr. A. V. Moothedan *(Chalakkudi):* How can he conduct a drawing when the Kuri has been terminated? It is meaningless. Viewed from all angles this provision is meaningless and mischievous.

Mr. M. Sivarama Menon *(Advocate-General) :* I oppose the amendment. What the law makes penal is only the conduct of a drawing without furnishing security.

Mr. A. V. Moothedan *(Chalakkudi):* What is the definition of drawing?

Mr. M. Sivarama Menon *(Advocate-General):* Let us first of all clear this issue. Under sub-clause (1) of clause 12 security has to be furnished by the foreman before he conducts a kuri. Under sub-clause (2) of the same clause the foreman is to furnish security within 6 months from the coming into force of this Act in respect of kuries started on or after the 1st Kumbham 1115. After that period, if he conducts a drawing, he shall be liable to fine. The apprehension of the Hon'ble Member for Chalakkudi is not according to my humble notion of things well-founded. I may assure the hon'ble member that this provision does not make the non-furnishing of security by the foreman punishable.

Mr. President: Under sub-section (1) of section 12, if any man wants to start a kuri, he must execute a bond and furnish security. Suppose he goes about collecting money, starts a kuri and conducts a drawing, should there not be a penalty for that?

Mr. A. V. Moothedan *(Chalakkudi):* In that case he should be sent to the jail. There is ample provisions for it in the Penal Law.

Mr. President: So your argument is that with regard to clause (1), it is too light a punishment, and with regard to clause (2),

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it is too severe. I do not think the House should waste its time by discussing such amendments. Unless there is a penal provision the Act will be useless. The argument that the Penal Law will apply is not a sound argument.

Mr. A. V. Moothedan *(Chalakkudi):* I have explained my position. That is enough. I do not press my amendment.

Mr. President: You have explained and done your duty.

Amendment, by leave, withdrawn

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I beg to move that *in sub-clause (3) of clause 12 for the words "a drawing after the period mentioned in sub-section (2) without furnishing the security specified therein", the words "without furnishing security, a drawing after the period provided in sub-section (2) for furnishing security" may be substituted.* This amendment is only purely of a verbal nature. It is only to make the language happier.

Mr. P. V. Raphael *(Joint Secretary to Government):* Sir, I second it.

Amendment put and carried.

Mr. C. R. Iyyunni *(Trichur-South):* Sir, in view of the fact that Government intend to exempt banking companies so far as sections 14 and 24 are concerned, I do not wish to press my amendment to this clause.

Clause 12 as amended put and carried

Mr. President: We will take clause 13 in the afternoon.

Mr. T. K. Nayar *(Pazhayannur):* Sir, Without any disparagement to the Deputy President we would like to have the discussion in your presence. There are important amendments coming up for discussion and we would like to have you in the Chair. It will also facilitate easy despatch of business.

Mr. President: Alright, I will come after lunch at quarter past three. In the meantime, the House can take up the Income-tax Bill as soon you assemble after lunch at 2-45.

Now, so far as the Income-tax Bill is concerned, I would like to make one observation. I do not think that there should be a lot of discussion on that Bill. The Indian Income-tax Act has now undergone some very radical changes. Since we have got a very important port of international importance, it is essential that such a vital law as the Income-tax Law should be, as far as possible, identical with the one existing in British India. Most of the big

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merchants here or big companies like the Burmah Shell and the Standard Vacuum Oil companies are familiar with a particular mode of income-tax assessment, and unless we keep our law on an identical basis it will be extraordinarily difficult and the interests of our State will suffer. With that idea Government have drafted an Income-tax Bill which practically follows the new British Indian Income-tax Act with only one or two slight modifications to suit our local conditions. There is really not much scope for us to make alterations in the draft which the Government have placed before the House. I would suggest therefore that it is not advisable to take up much time of the House at this stage when we are referring the Bill to a Select Committee. I hope even the Select Committee would introduce only such changes as may be absolutely necessary to suit local conditions and not tamper with the main structure of the Bill.

The House rose for lunch at 1-15 p.m. and re-assembled at 2-45 p.m. with M.R. Ry. K. Ayyappan Avl., Deputy President in the Chair.

The Cochin Income-tax Bill

Mr. K. Achyuta Menon *(Secretary to Government):* Sir, I rise to move that the Cochin Income-tax Bill be read in Council.

Mr. M. Sivarama Menon *(Advocate-General):* I second it.

Mr. K. Achyuta Menon *(Secretary to Government):* Sir, I will just state a few words with respect to the Bill. My task has been lightened by the statement of the Hon'ble President just before we rose for lunch. In the year 1936, an Indian Income-tax Enquiry Committee sat and made elaborate recommendations. Their report of 1936 was published and the object of the Bill which was passed in British India was to give effect to their recommendations or so far as those recommendations that have been accepted by Government and to make such amendments in the Indian Income-tax Act of 1922 as experience had shown to be necessary in its working and desirable. It is a very comprehensive piece of legislation and as has been explained by the President, it is highly essential that in taxing statutes of this kind there should be uniformity between legislation here and legislation in British India especially when the assessees here are assessees in British India also. At this stage I do not think it is necessary for me to make any set speech so far as the scope of each section is concerned. I wish to point out that the only difference which we have made between the Indian Income-tax Act and the proposed Bill is with regard to the taxability of foreign income. The principle there is that even if foreign income is not brought into British India, it is still taxable. But we have retained still our old

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Secretary to the Council: The title of the Bill is "The Cochin Registration of Literary, Scientific, and Charitable Societies Act (Amendment) Bill".

The Cochin Kuries Bill—*(cont.)*

Clause 13

***Mr. C. R. Iyyunni** *(Trichur-South):* Sir, the amendment that stands in my name is with regard to Clause 13 (1) (b)

My amendment is as follows.—"*In clause 13 (1) (b), delete the words" inclusive of all incidental expenses" between the words "kuri" and "subject.*"

Clause 13 (1) (b) reads as follows: "The foreman shall be entitled to such commission as may be fixed in the *vaimpu* for each instalment of the kuri inclusive of all incidental expenses, subject to the maximum specified in the schedule. My amendment is to delete the words "inclusive of all incidental expenses" between the words 'kuri" and "subject". After all, the Council understands that it is a very small amount and that amount is generally set apart for expenses incurred in supplying chewing materials and such other things for the subscribers who gather on the kuri day. After all, it is an expense that is actually incurred. Now, according to the present section, that also must be included within the commission that is granted in the schedule. In the schedule, what is stated is, where the kuri amount is Rs. 100 but is below Rs. 200, a maximum commission of Rs. 5 per instalment. And, if it is Rs. 5,000 and above, Rs. 50. So it applies also to every kuri. If the *kuri sala* is over Rs. 5,000, the maximum commission fixed is Rs. 50 and that Rs. 50 must include this incidental expenses also. My suggestion is that this incidental expense may be excluded from it and a special proviso may be added fixing the rate. Of course, there is a complaint with regard to the matter. Sometimes, abnormal amounts are set apart for incidental expenses. That may also be controlled, so that there may be a uniformity. My submission is that this small amount need not be included in the maximum commission that is set forth in the schedule.

Mr. P. K. Madhava Menon *(Narakkal):* Sir, I second the amendments.

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I oppose this amendment. In the first place the schedule fixes the maximum

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*Speech not corrected by the hon'ble member.

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commission that can be taken by foreman. And it is stated that that maximum is inclusive of all incidental expenses. If a case is made out for allowing something by way of expenses, the proper course is to improve the schedule in such a way so that the figure may be adjusted to the extent of the expenses that are likely to be incurred. In any case, the schedule in the Act must be definite and the expenses must be covered by the commission. Upon principle I would say that so far as this sub-clause is concerned commission must be inclusive of expenses, whatever that be.

Mr. C. R. Iyyunni *(Trichur-South):* With regard to the other matter, a definite proportion is set forth.

Mr. M. Sivarama Menon *(Advocate-General):* What I say is, irrespective of fixing a proportion or not, this section must be as it is. This only says that the commission shall be inclusive of all incidental expenses subject to the maximum specified in the schedule. The amendment must be to the schedule.

Mr. C. R. Iyyunni *(Trichur-South):* I don't mind incorporating it anywhere. These are expenses that are actually incurred and they must be provided for.

Mr. M. Sivarama Menon *(Advocate-General):* That is a matter to be adjusted in the schedule, and not in the section.

Mr. President : There must be a definiteness about the amount. Therefore, if you really think that over and above the commission, the foreman must get something for incidental expenses.....

Mr. C. R. Iyyunni *(Trichur-South):* There is an amendment to that effect.

Mr. President : When the time comes for it, we shall change the schedule.

Mr. C. R. Iyyunni *(Trichur-South):* Sir, the amendment standing in my name is to *re-number clause 13(1)(e) as clause 13 (1)(f) and add as sub-clause (1)(e) the following: "to incidental expenses not exceeding 3/16 of the prize amount"*. There is also another amendment standing in the name of Mr. P. K. Madhava Menon, which says "to incidental expenses not exceeding 1/8 per cent of the prize amount." The real difficulty is, it has been complained that in certain kuries they are demanding a particular amount and in certain other kuries the demand is much more. If the object is to fix the amount, certainly we have no objection. With regard to the other matter that it should not find a place here, I say

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there is no meaning. This is an expenditure particularly incurred for a specific purpose. Why should it find a place in the commission? That is the only objection. After all, the point is this. The expenditure is actually incurred. Some amount may be set apart for the same. You may fix the amount. I don't mean to say it may be anything that is provided in the *vaimpu*.

Mr. A. V. Moothedan *(Chalakkudi):* If the commission is increased, what is the harm? The schedule is there. What is the difficulty?

Mr. C. R. Iyyunni *(Trichur-South):* I have not the slightest objection if you will do so. But, sometimes nothing may be done. That is the real difficulty *(Laughter)*.

Mr. M. Sivarama Menon *(Advocate-General):* I suggest to the hon'ble member that if you make out a case that foremen should be allowed some more amount for such incidental expenses, then of course an amendment may be brought in respect of the Schedule. This sub-clause need not be disturbed for that purpose. My hon'ble friend Mr. Moothedan also agrees with me in this. *(Laughter)*.

Mr. C. R. Iyyunni *(Trichur-South):* I do not know whether the Advocate-General has understood me well. If it is not included here, you can make a change in the schedule. There is no necessity of my making an amendment with regard to this incidental expenses. The point that this should not find a place in this section is, I think, meaningless.

Mr. V. K. Krishnankutty *(Ezhuvas-Trichur):* Sir, I oppose this amendment that is being moved. My humble submission is that we cannot take away the words "inclusive of all incidental expenses." At any rate, the maximum has to be put. Put the commission and all the expenses together. The Committee, that was appointed for the purpose of reporting on the matter has fixed a maximum of $1\frac{1}{4}$ per cent, and by simply taking away the words "inclusive of all incidental expenses" we do not know to which extent this will go. Therefore, the question of supporting the amendment is out of question now. The Hon'ble Member for Trichur South has said that he is ready and willing to fix a maximum. Then this is not the proper amendment. You can bring in another amendment.

Mr. C. R. Iyyunni *(Trichur-South):* One will be against the other. If the words "inclusive of all incidental expenses" is put there, then there is no scope for the amendment.

Mr. President: They have given you $1\frac{1}{4}$ per cent. You say this is not sufficient?

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Mr. C. R. Iyyunni *(Trichur-South):* Now it is only 1 per cent. If it is raised to 1¼ per cent I will be perfectly satisfied. But, at the time when the schedule comes, some other reasons will be brought and this point will be shelved. (*Laughter*).

Mr. President : Try your luck at that time.

Mr. C. R. Iyyunni *(Trichur-South):* I leave it to the House.

Amendment put and lost.

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I move that *in sub-clause (d) of clause 13 (1) the word "persons" may be substituted for the word "subscribers".*

This is purely a verbal amendment.

Mr. P. V. Raphael *(Joint Secretary to Government):* I second it.

Amendment put and carried.

Clause 13 as amended put and carried

Clause 14

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I move that *in the proviso to sub-clause (1) 14 for the second sentence the following shall be substituted.—*

"In computing such present worth, the prized subscriber shall be given rebate of interest on the future subscriptions from the respective due dates till the termination of the kuri at such rate as may be prescribed in the case of Banking Companies exempted under section 66 and at 1½ per cent per annum in other cases."

This amendment is the result of the exemption that is proposed to be given to banking companies. In the case of private individuals who have to deposit money in the treasury they are given only 1½ per cent interest by the Government. Therefore it will be hard to call upon these persons to give to the subscribers a higher rate of interest on the future subscriptions by way of rebate. In the case of banking companies they may be able to earn more interest by their transactions with this money so that there is justification to declare a higher rate of interest after investigation and collection of data.

Mr. P. V. Raphael *(Joint Secretary to Government):* I second it.

Amendment put and carried.

Mr. M. Sivarama Menon *(Advocate-General):* Sir, my next amendment is only a re-drafting of the whole sub-clause. The

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proviso is the most important thing in the amendment. The amendment is to the following effect:—

For sub-clause (2) of clause 14 the following shall be substituted.—

(2) "If owing to the default of the prized subscriber or otherwise the prize amount due in respect of any drawing remains unpaid on the due date, the foreman shall within a week after the due date deposit in the Government Treasury prescribed for the purpose in the name of the Registrar all collections in respect of that instalment received from the subscribers till that date or the money value thereof and the collections received thereafter or the money value thereof shall be deposited by the foreman as aforesaid on the 15th and 30th of each succeeding month:

Provided that Government may by notification in the Cochin Government Gazette direct that in respect of specified local areas such deposit shall be made with the Registrar notified for the purpose who shall remit the same in the Treasury."

This clause as modified by the Select Committee lays down that remittances should be made with the Registrars who will deposit them in the Government Treasuries prescribed for the purpose. The amendment is to the effect that where there are treasuries the foremen have to make their remittances in the treasuries concerned. For instance, in Ernakulam, Trichur, and other places where there are treasuries, why should the Registrars be troubled? Wherever there are difficulties to make such remittances directly into the treasuries on account of distance or other factors, Government will specify such local areas, and deposits shall be made with the Registrars of such local areas, only. The Registrars are bound to remit those amounts into the Treasury. In the course of the discussion it was pointed out to the Government that a person living in Mulanthuruthi or Kareekode will find it very difficult to go over to Ernakulam for the purpose of making these remittances. That will involve expenses also. Therefore, for the sake of convenience, the Select Committee made a change that each foreman must be entitled to remit money to the Registrars, who, in their turn, will remit the money into the prescribed treasuries. Such a process is not necessary in Cranganur, Trichur, Ernakulam, Irinjalakkuda and such other places where it will be convenient to remit money directly into the treasury through chalans. The normal rule is that all the remittances should be made to the treasuries. Wherever there is difficulty, Government will specify the local areas and direct the Registrars in those areas to receive remittances and then remit them to treasury.

Mr. P. V. Raphael *(Joint Secretary to Government):* Sir, I second the amendment.

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Mr. President: The Select Committee said that in all cases kuri monies should be deposited with the Registrar. We think that there is some risk also if we were to ask these low paid Registrars to receive monies; especially in Ernakulam and Trichur where there are several institutions conducting these kuries, these amounts will be very large also. Therefore, by insisting upon these remittances to be made in treasuries in these places and other places where there are treasuries, much attendant risk and loss can be avoided. In places where there are no treasuries, Government may by notification specify local areas and there the Registrars will receive the remittances.

Amendment put and carried

Mr. A. V. Moothedan *(Chalakkudi):* Sir, my next amendment is very simple. Let me read the amendment.

"In clause 14, sub-clause (2), substitute the word "months" for the word "week".

Under sub-clause (2), the foreman has to remit the prize amounts to the treasury within a week. It will happen in some cases that the prized subscriber will be in some over-seas country or British India. Before he comes here after getting the intimation, the money will have to be deposited in the Treasury. That means much inconvenience. Therefore, what I suggest is, for "one week" let us substitute "one month". One month's time is quite reasonable.

Mr. P. Govinda Menon *(Mulakunnathukavu):* To remit amounts collected!

Mr. A. V. Moothedan *(Chalakkudi):* Yes. Otherwise, there will be difficulty. My friend Mr. Govinda Menon was insinuating, when he interrupted. The foreman has already furnished security. Then what is the harm, to trust him for one month. Moreover, we are already trusting him for one week. I said already, that this is to the convenience of the prized subscribers themselves. By the time they come here from far off places, the money will be in the treasury. Then they will have to go to the Registrar who will have to write a chalan, go to the treasury and undergo all these troubles for nothing. Therefore, I submit that one month's time may be allowed to the foreman in the matter of depositing these amounts in the treasuries.

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I beg to oppose this amendment, because it is only money that is actually collected on that date that is directed to be remitted into the treasury. With regard to banking companies, Government have exempted them from the operation of this provision. This is only with regard to the deposit of moneys actually collected within a week of the due date. Already one week is allowed for the purpose over

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and above the time up to the due date which varies. No further extension is called for.

Mr. K. Ayyappan *(Ezhuvas-Kanayannur):* If more time is allowed, will not that facilitate further collections?

Mr. M. Sivarama Menon *(Advocate-General):* Collections received after the due date have to be deposited on the 15th and 30th of each succeeding month.

Mr. President: The next amendment is also to the same effect. That also may be moved now and after the discussion on it is also over, we shall put these to vote.

*മിസ്റ്റർ സി. ആർ. ഇയ്യുണ്ണി: സർ, എന്റെ ഭേദഗതി താഴെപറയും പ്രകാരമാണു്. *"In clause 14, sub-clause (2), delete the words "a week after" between the words "within" and "the due date" and substitute "three months of".*

ഇതിൽ ഒരു ആഴ്ചയെന്നുള്ളതു് മൂന്നു മാസം ആക്കണമെന്നാ പറയുന്നുള്ളു. കുറിയിൽ പിരിയുന്ന സംഖ്യ മാത്രമല്ലെ ഡെപ്പോസിറ്റു ചെയ്യേണ്ടു എന്നാണു് ഒരു ചോദ്യം. പിരിയുന്ന സംഖ്യ ഡെപ്പോസിറ്റു ചെയ്യുകയാണെങ്കിൽ അതിനു തടസ്ഥമില്ല. ഇതു കക്ഷമായിട്ടുള്ള വ്യവസ്ഥകൾ മുഴുവൻ വരുന്നതു് എന്താണെന്നുവെച്ചാൽ വരിക്കാരെ രക്ഷിക്കണമെന്നുള്ള ഒരൊറ്റ വിചാരം കൊണ്ടാണു്. കുറിക്കാർ അവനവന്റെ കയ്യിൽ പിരിയുന്ന പണം കൊടുത്താൽ പോരാ, കയ്യിനാലും ഉണ്ടാക്കിക്കൊടുക്കണം. വരിക്കാരെ ദോഷപ്പെടുത്തണമെന്നു വിചാരിച്ചാൽ അതിനുള്ള പല വഴികളും മുമ്പത്തെ റഗുലേഷനിലുണ്ടു്. ഇപ്പോഴത്തെ റഗുലേഷനിൽ അതില്ല. വരിക്കാരിൽ പല സ്ഥലത്തുമുള്ള ആളുകളുണ്ടായിരിക്കും. അവരുമായിട്ടു കറസ്പോണ്ടൻസു നടത്തുവാൻ വളരെ താമസം നേരിട്ടും. ഇതിനെപ്പറ്റി പരിചയമുള്ളവർക്കു് അതറിയാം. ലാൻഡുമോർട്ടുഗേജു് ബാങ്കിൽതന്നെ ഒരു എടവാടു തീർക്കുന്നതിനു് ചുരുങ്ങിയതു് ഒരാറു മാസത്തെ താമസം പിടിക്കുന്നുണ്ടു്. അതിൽ കൂടുതൽ താമസം പിടിക്കും ഈ കുറി എടവാടു തീർക്കുവാൻ. പുറമേയുള്ള ആളുകൾ കുറിയിൽ ചേരുന്നതു കൊണ്ടു് അവരുടെ വസ്തു ഈടുസംബന്ധമായ ആധാരങ്ങളും മറ്റും നോക്കി സംഖ്യ കൊടുക്കുന്നതിനു് കുറച്ചു താമസം നേരിട്ടും. ഈ താമസം വരുന്നതുകൊണ്ടു സംഖ്യ കൊണ്ടുപോയി ഡെപ്പോസിറ്റു ചെയ്താൽ വരിക്കാക്കു സംഖ്യ കിട്ടുന്നതിനു കുറച്ചു ദിവസം തെറ്റി എന്നു വന്നേക്കും. മൂന്നു മാസത്തെ ഇട കിട്ടിയാൽ അതുകൊണ്ടു് കുറിക്കാക്കു ഗുണം കിട്ടുകയില്ലെന്നു ഞാൻ പറയുന്നില്ല. അവക്കു കുറച്ചു പലിശ കിട്ടും. ഏഴു ദിവസത്തിനുള്ളിൽ സംഖ്യ കെട്ടണമെന്നു പറയുമ്പോൾ അതിൽ പ്രായോഗികമായ കുറച്ചു വിഷമമുണ്ടു്.

മറ്റൊന്നു ഇതാണു്. *Add between the words "due date" and "deposit" the words "invest or earmark the investment in approved securities or"* സംഖ്യ കെട്ടുന്നതിനു പകരം അതിനുള്ള ഉറപ്പു കൊടുത്താലൊ? കാലാവുധി തീരുന്ന സമയത്തു് മുഴുവൻ സംഖ്യ കൊടുക്കയും വേണം. അപ്പോൾ ഉറപ്പുള്ള ആളാണെങ്കിൽ കുറിക്കാക്കു വിഷമവുമില്ല. അപ്രൂവ്ഡു് സെക്യൂരിറ്റീസു് ആയാലും സബ്സ്ക്രൈബേഴ്സിനു വിഷമം വരുകയില്ല. പണം പോകുന്ന കാര്യത്തിനാണെങ്കിൽ അതിനു ഉറപ്പുമുണ്ടു്. എങ്ങിനെയായാലും വരിക്കാക്കു

*Speech not corrected by the hon'ble member.

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യാതൊരു ദോഷവുമില്ല. അതുകൊണ്ട് ഇങ്ങിനെ ഒരു സൌകര്യംകൂടി കൂടി നടത്തിപ്പുകാക്ക കൊടുക്കണമെന്നുള്ളതാണ് ഈ വ്യവസ്ഥകൊണ്ടുദ്ദേശിക്കുന്നതു്.

മൂന്നാമതു് *Add between the words "deposit" and "with the Registrar" the words "in approved banks as may be prescribed or."* കുറി കമ്മിറ്റിക്കാർ അപ്രൂവ്ഡ് ബാങ്കിൽ സംഖ്യ കെട്ടുവാൻ വിരോധമില്ലെന്നു പറഞ്ഞിരുന്നു. ഇപ്പോൾ ട്രഷറിയിൽ സംഖ്യ കെട്ടണമെന്നാണ് വെച്ചിരിക്കുന്നതു്. അതു അപ്രൂവ്ഡ് ബാങ്കിൽ കെട്ടിയാൽ മതിയെന്നുവെച്ചാൽ കൊള്ളാം. ട്രഷറിയിൽ ഡെപ്പോസിറ്റുചെയ്താൽ ഒന്നാരണയൊ രണ്ടണയൊ ആയിരിക്കും പലിശ കിട്ടുന്നതു്. ബാങ്കിലാണെങ്കിൽ അഞ്ചണ, ആറണ പലിശ കിട്ടും. ബാങ്കിലിട്ടുകയാണെങ്കിൽ അതു് നമ്മുടെ രാജ്യത്തുള്ള ബാങ്കുകൾക്കും ഒരു പ്രോത്സാഹനമായിരിക്കും. അതുകൊണ്ട് ഈ കാര്യവും കൂടി നാം ആലോചിക്കേണ്ടതാണ്.

Mr. A. V. Moothedan *(Chalakkudi):* There is another amendment of mine on the same subject. That comes next.

Mr. President: That is a different matter altogether. Let us dispose of the amendment relating to the period within which the money is to be deposited. The second amendment is with regard to how the money should be invested. We are not upon that now. As regards the former Mr. Moothedan wants one month's time and Mr. Iyyunni wants three months.

Mr. V. K. Krishnankutty *(Ezhuvas-Trichur):* Sir, may I also speak on this amendment to clause 14? Clause 14 was incorporated in the Bill in order to safeguard, the interests of the subscribers. When the subscriber is entitled to get his amount he sometimes finds that there is no amount at all with the starter. The starter, to say in Malayalam കൈമലത്ത, says he has absolutely no responsibility. At the same time he utilises that money for other transactions. It is to obviate that that this provision is incorporated in the Bill. Now, suppose within 1 week a subscriber is not in a position to furnish security and take his amount and he turns up only two weeks hence or on the 8th day. Then he has to do all the work again and get the money from the treasury or the approved bank. Suppose the amount is deposited in an approved bank or in a treasury; the starter has to take it back and then pay it to the subscriber. A reasonable time, regard being had to all the exigencies, may be given to the starter to deposit the amount in the treasury. Thereby we do not take away the safeguard intended to be given to the subscriber. The other aspect of the question is whether, by depositing all the actual collections in the treasury, is the subscriber going to get it directly from the treasury? No, he has to go back to the starter himself to get his amount. What harm is there if the starter utilises that money for a week or two? We only want to assure that that amount is not lost and that the money is paid to the prized subscriber when he furnishes security. For that purpose the second amendment seems to be sufficient. The amendment says that he should

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invest the amounts in approved securities or should deposit in approved banks. There is no apprehension of the subscriber losing the amount. One month or 2 months is a different matter. 3 months is fixed because some time may be given to the foreman to collect other amounts also from the defaulting subscribers. A subscriber is given also the option to default for two instalments. If it is a monthly kuri the subscriber is given the right to default two instalments. It is some sort of the same right that is sought to be given to the starter. Since several safeguards have been imposed this 3 months' time sought to be given to the starter is not much indeed. Further, the starter before he starts the kuri has to furnish security for one ticket. He has also to furnish security for all the other tickets that he joined as a subscriber when such a ticket is drawn. If he does not pay the prized subscriber on the due date, then there is a provision for winding up also. That provision will come into play immediately. The provision for winding up is the most drastic provision that this Bill has introduced. Any self-respecting starter or any solvent starter for that matter will not allow himself to be hauled up in a Court of law in winding up proceedings. So that there are all safeguards provided on behalf of the subscriber to enable him in getting his amount. On the other hand, let us examine the position of the starter.

Mr. M. Sivarama Menon *(Advocate-General):* Winding up chapter will come into play only on the failure of the foreman to conduct a kuri at any instalment or on the failure of the foreman to furnish security. There is also a recommendation made by the Kuri Committee.

Mr. A. B. Salem *(Mattancheri):* Is there serious objection to accept that?

Mr. V. K. Krishnankutty *(Ezhuvas-Trichur):* A kuri can be wound up if it is proved to the satisfaction of the court that the foreman is unable to pay the amount to the subscribers. An application can be made to the court by any non-prized or unpaid subscriber. That alone will do. Therefore, this winding up chapter can very easily bring any starter to the court. No starter who has got the least self-respect or the least solvency will allow himself to be dragged into a court of insolvency in a winding up proceedings without furnishing security. Therefore, he is bound to furnish the security, and he will furnish it. But he will have this danger of at any moment being dragged into a court of law in winding up proceedings. In view of the fact that we are giving retrospective operation to several sections of the Act, my humble submission is that this 3 months' time may be allowed to the starter in the matter of remitting the amounts.

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Mr. President: Therefore, deliberately you want to provide for cases where the foreman uses the kuri monies collected for purposes other than the kuri.

Mr. V. K. Krishnankutty *(Ezhuvas-Trichur):* No, no. There may also be another person to be paid. It may be that one person might not have been paid. Suppose one person was not paid at the proper time. Then there will be two persons to be paid.

Mr. President: Why is it that that man was not paid? Because the foreman was handling money for purposes other than the kuri. We want to stop that.

Mr. M. Sivarama Menon *(Advocate-General):* It is clear from the statistics that 60 per cent of the subscribers do not pay properly.

Mr. V. K. Krishnankutty *(Ezhuvas-Trichur):* The defaulters will not take the trouble of postponing payments till that date. Therefore statistics is not a criterion that has to be taken into consideration in this case. When he gets collections from defaulting subscribers, he pays the second man also. Anyway that is not a most important matter in the amendment. Of all the 3 amendments I say that is the least. Regard being had to the fact that many persons outside have also joined kuries and that may not be able to furnish security in time the foreman may be given this extension of time.

***Mr. C. R. Iyyunni** *(Trichur-South):* Sir one word with regard to the amounts that are being utilised.

In the Kuri Committee report it is stated, "the total realisations in these kuries in a year must extend to Rs. 48,88,329. Against this figure the collections actually realised during the same period amount only to Rs. 16,44,794 or 33·6 per cent."

ഒരു കൊല്ലത്തെ ആവറേജ് കണക്കാക്കീട്ടാണ് ഇതു് ശരിയാക്കിയിരിക്കുന്നതു്. ഒരു മാസത്തെ സംഖ്യ പിരിഞ്ഞില്ലെങ്കിൽ അതു് അടുത്തമാസം പിരിയുമെന്നു പറയുന്നതു് ശരിയല്ല. പണം പിരിയാതെവന്നാൽ ഫോർമാന്റെ കയ്യിൽ നിന്നാണ് എടുത്തുകൊടുക്കേണ്ടിവരിക. വരിക്കാരുടെ ഒരു പൈ എങ്കിലും ഫോർമാന്റെ കയ്യിലുണ്ടായിട്ടാണ് സെക്യൂരിട്ടി കെട്ടാൻ പറയുന്നതെങ്കിൽ വിരോധമില്ല. അതുകൊണ്ടു് മൂന്നു മാസത്തെ അവുധി കുറിക്കാക്കു തരണമെന്നേ ആവശ്യപ്പെടുന്നുള്ളു.

Mr. President : We are now concerned only with the period within which the collected amounts should be deposited. The Bill

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*Speech not corrected by the hon'ble member.

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as it stands imposes an obligation on the foreman to deposit the amount actually collected within one week in the treasury or with the Registrar, whatever that be. Mr. Iyyunni's amendment is that 3 months' time may be given to the foreman and Mr. Moothedan's amendment is to the effect that 1 month's time may be given.

മിസ്റ്റർ എം. ശിവരാമമേനോൻ: ജനുവരി ഒന്നാം തിയ്യതി കുറി കിട്ടിയ ആൾക്കു പണം കൊടുക്കുന്നതിനു് ഫെബ്രുവരി ഒന്നാം തിയ്യതിക്കുള്ളിൽ സംഖ്യ പിരിയണം. ആ മാസത്തിൽ സംഖ്യ പിരിയാതെയുണ്ടെങ്കിൽ അതു് അടുത്തമാസത്തിൽ പിരിഞ്ഞുകിട്ടും കുറികമ്മിറ്റി റിപ്പോർട്ടിൽ ഇതിനെപ്പറ്റി പറയുന്നതു് എന്താണെന്നുവെച്ചാൽ:

"As regards the balance, what we propose is that, without prejudice to the suggestion contained in the foregoing paragraph, every foreman must be compelled to invest the full prize amount within a definite period as otherwise the safety for the subscribers' investment is likely to be jeopardised. In almost all monthly kuries we are informed that every non-prized subscriber incurs forfeiture only after three consecutive defaults. Naturally, therefore, a foreman can expect the collection of the full kuri amount only within a period of 3 months. We think in the circumstances, that it is only fair to allow the foreman of all monthly kuries 3 months' time to invest the full kuri amount, if the same is not drawn by prize winner earlier after furnishing the necessary security for the due payment of future instalments."

അതായതു് due date കഴിഞ്ഞാൽ രണ്ടാമത്തെമുടക്കിനുമുമ്പു് പണം കൊടുക്കും. പണം മുഴുവൻ പിരിഞ്ഞില്ലെങ്കിൽ ഗവർമ്മെൻറു പറയുന്നതു് ൫൦ ശതമാനം കെട്ടിയാൾ മതിയെന്നാണു്. കുറികിട്ടിക്കഴിഞ്ഞാൽ അവർക്കു due date വരെ കാത്തിരിപ്പാൻ സാദ്ധ്യമല്ല. കുറി കിട്ടിയാൾ പണംവാങ്ങുവാൻ ധൃതിയായി. അവർ ആധാരവുംകൊണ്ടു പിന്നാലെ നടക്കുകയായി. ഇങ്ങിനെയൊരു വ്യവസ്ഥയുണ്ടെങ്കിൽ ആധാരം നോക്കൽ ഉടനെ തുടങ്ങും. പിന്നെ ഈ ഏഴു ദിവസത്തിന്റെ തോതിലാണെങ്കിൽ നിങ്ങൾക്കു കിട്ടിയതു അടച്ചാൽ മതി. മൂന്നു മാസത്തിനകത്താണെങ്കിൽ ൫൦% അടക്കണം. കൊല്ലക്കുറികളിൽ പണം വയ്ക്കുന്നിശ്ചയപ്രകാരം പിന്നത്തെ കൊല്ലത്തിലാണു് സാധാരണ കൊടുക്കേണ്ടതു്.

മിസ്റ്റർ സി. ആർ. ഇയ്യുണ്ണി: ഏതു കുറിയുടെ കായ്മാണു പറയുന്നതു്. മാസക്കുറിയുടെ കായ്മാണോ?

മിസ്റ്റർ എം. ശിവരാമമേനോൻ: ഇപ്പോൾ പറയുന്നതു് കൊല്ലക്കുറിയുടെ കായ്മാണു്. കമ്മിറ്റിക്കാർ റിപ്പോർട്ടുചെയ്തിട്ടുള്ളതു് മാസക്കുറികളിൽ പിരിഞ്ഞ പണത്തിന്റെ കണക്കാണു്.

മിസ്റ്റർ ഇസ്മായിൽഹാജി ഈസാസേട്ട്: ൫൦% പിരിഞ്ഞില്ലെങ്കിലോ:

മിസ്റ്റർ എം. ശിവരാമമേനോൻ: പിരിഞ്ഞില്ലെങ്കിലും അതു കെട്ടണം. ജാമ്യം വാങ്ങി ക്രമപ്രകാരം സംഖ്യ due date നു കൊടുത്തില്ലെങ്കിൽ മാത്രമെ അവിടെ

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കൊണ്ടുപോയി കെട്ടേണ്ടതുള്ളൂ. എന്തെങ്കിലും കാരണവശാൽ സംഖ്യ കൊടുത്തില്ലെങ്കിൽ അതു് ആരുടെ കുറ്റംകൊണ്ടാണു് സംഖ്യ കൊടുക്കാഞ്ഞതു് എന്നറിയുവാനാണു് ഇങ്ങിനെ വെച്ചിട്ടുള്ളതു്. അതുകൊണ്ടു് time ഏഴുദിവസമാക്കിയാലും പത്തു ദിവസമാക്കിയാലും ഒരു മെച്ചവുമില്ല.

Mr. President : Don't confuse by bringing that 50 per cent here. The amendment relates only to the time within which the foreman must deposit the actual collection in the treasury. Under the Bill 7 days is given; Mr. Iyyunni wants 3 months, and Mr. Moothedan wants 1 month. Don't bring in here that 50 per cent and confuse matters. We shall confine ourselves to the period first.

Mr. Iyyunni's amendment put and lost.

Mr. Moothedan's amendment put and lost, 9 for and 26 against.

Mr. President : The next amendment is whether the deposit should be made in approved banks. Do you want to move that amendment ?

Mr. C. R. Iyyunni *(Trichur-South):* Yes. But that is amendment (iii). There is No. (ii) which I have tabled and which runs as follows: "*add between the words "due date" and "deposit" the words "invest or earmark the investment in approved securities, or*".

Mr. President : Has it not gone because of the former amendment ?

Mr. C. R. Iyyunni *(Trichur-South):* No, no; that is entirely a different point. That was with regard to time. Here it is with regard to the deposit of the amount. That is, whether the amount may be deposited or invested in approved securities.

Mr. President : In other words, the foreman who actually collects cash should keep cash for himself and then give security.

Mr. C. R. Iyyunni *(Trichur-South):* Yes.

Mr. President : I was trying to understand the amendment. That is, if Rs. 5,000 is collected, the section says it should be deposited in the Bank or treasuries. You say that he need not deposit the money at all but furnish approved security.

Mr. C. R. Iyyunni *(Trichur-South):* He may either deposit or furnish approved security.

Mr. President : Therefore, it is simple. Mr. Iyyunni's amendment comes to this. That is, the actual collection he has made he can utilise for himself and then give security.

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Mr. C. R. Iyyunni *(Trichur-South):* Let me make the whole thing clear. He may deposit the amount or in lieu of cash which he is to deposit he invests the amount in approved securities, and at the time when the amount becomes due the money will be paid.

Mr. President : It comes to this. Here is a foreman who collects Rs. 5,000 on the 1st of January. Under the section, he is under obligation to deposit Rs. 5,000 in the treasury within 7 days. Mr. Iyyunni says he must be permitted to invest that money in approved securities and give those securities to the subscriber when he comes to take the amount.

Mr. C. R. Iyyunni *(Trichur-South):* I mean that that Rs. 5,000 may be either deposited in the treasury or bank, or invested in approved securities. He must furnish security to the extent of his liability.

Mr. President : Now, it is not conceivable that a foreman who has collected Rs. 5,000 will straightaway go and purchase Government bonds for Rs. 5,000 or do anything of the sort. Therefore the effect will be this. He collects Rs. 5,000 cash and then utilises it for his own purposes. He must have some approved securities with him. When the subscriber comes he gives him those securities. That is, in lieu of the cash that he has collected, he will be handing over those securities to the subscriber. I hope I am correct.

Mr. C. R. Iyyunni *(Trichur-South):* If the foreman who is conducting a kuri is in possession of immovable property worth the security that is necessary, of course, he can utilise that property as security and then when the prize winner furnishes due security he will pay the amount.

Mr. President : Therefore, you say that the approved security for this purpose may be a mortgage. Take this particular case of Rs. 5,000. Now the actual cash that has been collected by the foreman from the subscribers will be utilised by him for his own purposes.

Mr. C. R. Iyyunni *(Trichur-South):* Not for himself, but for paying the other prize winners.

Mr. President : We are not concerned with all that. For our purpose he uses the cash for himself or for any other purpose that he likes.

Mr. C. R. Iyyunni *(Trichur-South):* That is not so. From the statistics that have been furnished it will be seen that it is only $\frac{1}{3}$ of the amount that is really collected.

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Mr. President : So far as this House is concerned, the foreman is using this Rs. 5,000 for himself. It may be that he spends it for the marriage of his daughter or some such purpose. Nothing prevents him from that. Of course, he deposits a mortgage deed with the Registrar. Then when the time for payment comes the foreman may not have any cash with him and this mortgage alone remains. Suppose money is not forthcoming. Then a suit has to be filed on that mortgage and the subscriber will have to wait till money is realised.

Mr. C. R. Iyyunni *(Trichur-South) :* There is a provision that says that monies collected from a kuri can be utilised for no purpose other than the kuri.

Mr. President : Anyway, the amendment of Mr. Iyyunni does not preclude the possibility of a case that I have just mentioned.

Mr. C. R. Iyyunni *(Trichur-South):* I say that such a thing is not possible. If he appropriates money for his daughter's marriage or for any purpose not connected with the kuri he is liable to prosecution.

Mr. President : The whole idea underlying this Bill is that money collected actually from subscribers must at least be available in a responsible place so that the poor subscribers may at least get hard cash and not mortgaged property. Suppose he utilises money for any other purpose and is prosecuted. What is to happen to the subscribers? Will they have the satisfaction of seeing the starter prosecuted and wait for 3 years till the mortgaged money is realised? Sometimes after all these troubles it may be that he gets some 3 per cent. I suppose there is no difficulty in understanding these things.

Mr. V. K. Krishnankutty *(Ezhuvas-Trichur):* The question is not so unreasonable as the Diwan President tried to point out.

Mr. President : It is the duty of the Chair to explain to the House, in matters like these, the real implications of every clause or amendment before the House. I do not accept the hon'ble member's verdict that the way in which I have done it is unreasonable.

Mr. V. K. Krishnankutty *(Ezhuvas-Trichur):* I do concede that the President has got every right to explain the implications of the various amendments.

Mr. President : If you want to give a further explanation you can do that.

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Mr. V. K. Krishnankutty *(Ezhuvas-Trichur):* Now, the question is whether the subscribers should be protected to such an extent that ready cash alone can be accepted as security for kuri amounts. The starter has to furnish security for one ticket to begin with. If he utilises that amount he may be allowed to furnish mortgage security or approved security. He has to furnish security. That means that for one ticket you are accepting mortgage security and approved security. Here also we prescribe security so that the prize winner may not lose his amount. When the mortgage security or approved security is deposited with Registrar or in a treasury, the amount is safe. The only difference is that it is in the form of mortgage security in the shape of properties worth more than the amount to which the subscriber is entitled. If the amount is deposited in the treasury, unless the starter goes and draws the amount, the subscriber is not authorised to get it. Is the subscriber allowed to draw the amount directly from the treasury? Have you made any provision like that? No. Therefore, the starter himself has to draw money from the treasury and then give it to the subscriber. Because the starter furnishes security he will have the luxury or getting something by way of interest which he realises on the mortgage security less the interest he could have realised from the treasury. The amount deposited in the treasury on the other hand does not belong to the subscriber. If that is the scheme of the Act we can understand the implication that the starter is utilising the amount and giving a mortgage security instead. Now the effect will be a starter will have with him ready approved security. He will be in a position easily to pay down cash, when the same becomes due. That is, when the subscriber furnishes security, he also does not lose any amount. If the starter does not pay the amount on the due date and if the court thinks that it is a fit case for winding up, then, the starter is called into a court of law in winding up proceedings which no man with any solvency or self-respect will ever allow. Therefore there is this Damocles sword always hanging above his head. There is another effect to this amendment. That is, people who have got immovable properties can get amounts on easier terms from the starters. The starter who has got liquid cash originally can advance it on mortgages, say at 6 per cent or 5 per cent. Then he can utilise such mortgages for purposes of giving them as security under this section. So people in the locality who have got immovable property can get money on easier terms. The money which belongs to the starter and which is deposited in the treasury on the due date is being locked up in the treasury. Instead of that we get a method of investing that money in property. And then when the amounts are due, the starter is

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compelled to pay it and will do so. So that the starter and all other persons who want money on immovable property stand to gain. I will draw an analogy. In the matter of the Indian Companies' Act, banking institutions have to give deposits for reserve fund. Instead of depositing reserve fund if they invest the same amount on mortgages that will do. Then the actual practice is that the people who have got immovable property and who want money, instead of going to the Land Mortgage Bank, come to the starter and get money on easier terms. The Land Mortgage Bank gives money only at 6 per cent. But here you can get money at 7 annas interest.

Mr. P. Govinda Menon *(Mulakunnathukavu):* And the subscriber will get only 1½ per cent!

Mr. V. K. Krishnankutty *(Ezhuvas-Trichur):* If you deposit the money in the treasury will the subscriber get a greater interest than 1½ per cent? Therefore, without injuring the subscriber, the starter can get some benefit out of this. Why should you prevent it? If by investing that amount on mortgages originally and if by giving those securities for the interim period, the starter can make some gain, why don't you allow it? So my humble submission is that amounts which are going to be locked up in the treasury under this section will be utilised by needy persons who have got sufficient immovable property. That is the idea of this amendment. Instead of locking up the amount in treasuries or in approved banks for a nominal interest, people can get money on favourable rates of interest on mortgages and a starter who can furnish sufficient security will be in a position to pay down liquid cash as and when the subscriber furnishes security to the proper satisfaction.

*മിസ്റ്റർ ടി. കെ. നായർ: സർ, ദിവാൻ പ്രസിഡണ്ടേ് അവർകളം പറഞ്ഞ വിവരണത്തോട് ഞാൻ യോജിക്കുന്നു. ഇവിടെ ഇതെവരെയുണ്ടായിരുന്ന ഒരു സ്ഥിതിയിൽനിന്നു വേറെ ഒരു സ്ഥിതിയിലേക്കു കടക്കുകയാണു് നമ്മളം ചെയ്യുന്നതു്. ഇന്നവരെ കുറിയിലുണ്ടായിരുന്ന സംഖ്യ മുഴവൻ ഫോർമാന്മാരുടെ ഇഷ്ടംപോലെ അവർ പെരുമാറിക്കൊണ്ടിരുന്നു. ഈ ബിൽ പാസാകുന്ന ദിവസംമുതൽ അവരുടെ സ്വു അവയവങ്ങളേയും കെട്ടുകയാണു ചെയ്യുന്നതു്. അവക്കു ഒരു സൌജന്യമെങ്കിലും ചെയ്യ കൊടുത്തുകൂടെ? ഇന്നെവരെ മാസക്കുറിക്കു പിരിച്ച സംഖ്യ ഒരു ദിക്കിൽ കെട്ടണമെന്നു നിയമമുണ്ടായിരുന്നില്ല. അവർതന്നെ അതു് പെരുമാറിക്കൊണ്ടിരുന്നു. ഇന്നുമുതൽ അവർ അവരുടെ പക്കലുള്ള പണത്തിന്നു് അപ്പുവുഡ് സെക്യൂരിട്ടീസ് വെക്കാമെന്നു പറയുന്നു. അതു പോരെന്നുണ്ടെങ്കിൽ കുറച്ചു കഴിഞ്ഞിട്ടു ഒരു അമൻഡുമെൻറു കൊണ്ടുവന്നാൽപോരെ?

*Speech not corrected by the hon'ble member.

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Mr. President: That is only with respect to future collections.

മിസ്റ്റർ ടി. കെ. നായർ: ഗവമ്മെൻറ വിചാരിച്ചതു് കറിക്കാരെയൊക്കെ രക്ഷിക്കണമെന്നുള്ളതാണു്. ആ തത്വം വളരെ ശരിയാണു്. അവർ പറയുന്നതു കേൾക്കുമ്പോൾ ഗവമ്മെൻറ വിചാരിച്ചപോലെ അതു അബദ്ധമില്ലെങ്കിൽ പണ്ടത്തെക്കാളും ഒരു രക്ഷ കിട്ടുമെങ്കിൽ ഇതൊന്നു പരീക്ഷിച്ചു നോക്കണമെന്നു് എനിക്കൊരപേക്ഷയുണ്ടു്.

Mr. President: I am afraid Mr. T. K. Nair has completely failed to grasp the significance of the Government position. I consider this as one of the fundamental principles of this Bill. One of the fundamental principles of this Bill is not merely to see that the monies of the subscribers are safeguarded by every possible methods, but that the actual collections got from the subscribers should be available in liquid cash for the prize winner to get whenever he offers security. One of the fundamental defects of the operation of the kuries to-day is, even though the foreman collects money from the subscribers, when the prize winner comes forward with proper security, the foreman has not got the actual cash in hand. It is quite possible that a foreman in a particular case will have to pay only Rs. 10,000 when he will have 10 lakhs of rupees worth of property. What is the use of all that to the prize-winner when he is in need of cash? So you find in all banking legislations safeguards provided to enable the banking concerns to keep a sufficient percentage of their liabilities in liquid cash so that the depositors may have actual cash whenever it is wanted. When you have to pay Rs. 5,000 it is no consolation to you if you are told unfortunately that there is no cash, but that there is only a first class mortgage worth 10,000 rupees. The very object of joining the kuri is to enable ordinary middle class people to get money for urgent needs. They go and bid whenever they feel the need for that. At that time if you do not produce the cash and say that the money is perfectly safe and that it will take some time to realise it—perhaps a couple of years he may have to wait—the whole fundamental principle of the kuri institution is lost. I consider it to be one of the most fundamental pivots of the kuri institutions, I attach much importance from the point of view of changing the existing system if we are to impose obligations on the foremen to collect and produce now in the form of cash monies that they have collected before the coming into operation of this Bill. We are not doing anything of that sort. If this Bill comes into operation today and if next month the foreman actually collects

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Rs. 5,000, what possible reasons can he adduce for not depositing that Rs. 5,000 in a bank or the treasury, whatever the case may be. When the money is not his, when he is a trustee for the prize winner, it is in the interests of the prize winner that that money is asked to be deposited in a bank. In fact, we have gone to the utmost limit possible when we say that the banking companies should be exempted from the operation, because in the case of banks they will have always liquid cash available. If a bank itself is the foreman running a kuri, then they need not deposit the monies in the treasuries but can keep it with them. Why? Because we know that a bank which is managed on prudent lines will always have a certain amount of cash in its chest and will always be in possession of easily realisable securities in addition to cash. Therefore, even if the bank does not go and deposit immediately the collections in the treasury, when actually the prize winner goes to the bank and furnishes proper security, the bank can be trusted to command sufficient cash to produce for payment to the prize winner. But that cannot be said of a private individual. A private individual cannot be said to be keeping money with him. Therefore, this provision is made not merely for the protection of the subscriber but also for the protection of the foreman himself against misusing public funds. I consider that it is one of the important pivot provisions of the Bill, and I ask the hon'ble members to realise the importance.

Mr. C. R. Iyyunni *(Trichur-North):* Sir, I wish to say a few words with regard to this matter. In most of the kuries conducted at Trichur there is no system of bidding. There, it is only a question of drawing. In the matter of drawing what is the security that a non-prized subscriber has? It is only a security that has been taken by the foreman in the previous cases from prized subscribers. Suppose it is not possible for the foreman to pay the amount. He has not got liquid cash. He has got only security assets that he has collected from the various prized subscribers.

Mr. President: I am sorry that the issue is being sought to be confused. We are dealing with money actually collected. The whole point is whether the foreman must be compelled to deposit the money collected. I think I have explained the position perfectly clearly.

Amendment put and lost

The House rose for the day at 5-30 p.m.

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